

INVESTIGATION INTO EMPLOYMENT AND HIRING
PRACTICES OF LESBIAN/GAY BUSINESSES, SPECIFICALLY
REGARDING RACE, COLOR, NATIONAL ORIGIN, AND ETHNICITY:
FINDINGS, RECOMMENDATIONS, AND SUPPORT DOCUMENTATION

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A Report by the Human Rights Commission of San Francisco
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INVESTIGATION INTO EMPLOYMENT AND HIRING PRACTICES OF LESBIAN/GAY
BUSINESSES, SPECIFICALLY REGARDING RACE, COLOR, NATIONAL ORIGIN,
AND ETHNICITY

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PREFACE

The public hearings and this report resulted from allegations of discriminatory treatment in employment and hiring practices based on race, color, national origin, and ethnicity in Gay and Lesbian-owned businesses against Lesbians and Gay men of color.

This report is a compilation of material, testimony, and data submitted by community and business organizations, businesses, individuals, and research done by staff. Every attempt has been made to accurately reflect the information submitted.

The Report of the Public Hearings on the Hiring and Employment Practices of Lesbian/Gay Businesses, specifically regarding race, color, national origin, and ethnicity is the culmination of more than eight (8) months of effort, involving many people. All of those who testified, submitted written materials, and offered commentary added much to this report and to its recommendations. Particular thanks goes to Black and White Men Together - SF, National Coalition of Black Gays, Bay Area Black Lesbians and Gays, the Task Force on Racism, Gay American Indians, the Golden Gate Business Association, Tavern Guild, and Operation Concern. Thanks are extended to Jim Bonko, Jerry Dunbar, Roger Gross, Tom Horan, A. Billy S. Jones, Deborah Kelley, Arthur Lazere, Mike Smith, and members of the Lesbian/Gay Advisory Committee: Commissioners Richard A. Sevilla and David Yamakawa, Jr., Barbara Cameron, Ruth Hughes, Marty Kashuba, Barbara Monty, W. Koriel Schrievogl, and Marsha Seeley. The assistance of the following people at the Public Hearings proved invaluable: Lowell Torno (stenographer), Ruby Gold and Lyn Paleo (sign language interpreters),

Francesca Dubie (childcare), Paul Gross and George Perriera (childcare material), Suzanne Goutier and Ross Kramer (monitors), The Women's Press Project (printing), and United Copy (duplicating).

The Human Rights Commission gave this project priority by holding the public hearings and providing the oversight policy decisions to the Director and staff to ensure proper balance and representation. The Commissioners participating were:

Samuel H. Chung

Joe Ling Jung

Corrine Lee

Phyllis Lyon, Chairperson

John C. Morrissey

Joan Zamora Moulton

Richard A. Sevilla

Esta G. Soler

George A. Suncin

Brenda K. Wade, Vice Chairperson

David K. Yamakawa, Jr.

An advisory committee was formed to input suggestions for the recommendations and report. Those represented on it were: Commissioners Phyllis Lyon, Richard Sevilla, Brenda Wade, and David Yamakawa; L/GAC members Ruth Hughes and Marsha Seeley; and staff and interns Eileen Gillis, Gail Roberts, Maria Santiago, and Jackie Winnow. Consultations were made with Gay American Indians, Bay Area Career Women, and Black and White Men Together - S.F. Consultations were attempted with the Tavern Guild and the Golden Gate Business Association.

The Human Rights Commission's staff's tasks involved formulating,

advertising, coordinating, directing, and holding the public hearings; identifying, contacting, meeting with, and notifying businesses, individuals, business and community groups and the media; collecting, analyzing, and evaluating data and public testimony; preparing amelioratory recommendations and preparing, writing, typing, and collating drafts and this final version of the Report. Staff will also perform implementation of the findings and recommendations. The staff included Grant S. Mickins (Director), Gail Roberts (Coordinator), Eileen Gillis (Lesbian/Gay Specialist), Maria Santiago, Bob DuWors, and Barbara Stratton (interns), Ted Robinson (volunteer), Pauline Anderson (Word Processor) and David Treanor (Management Assistant). Special recognition goes to Jackie Winnow, Lesbian/Gay Community Liaison, who coordinated and prepared this project, the report, recommendations, and follow-up implementation.

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Investigation into
employment and hiring
1984.

SUMMARY

Due to allegations and reports of discrimination occurring in the hiring and employment practices of Lesbian and Gay-owned businesses, specifically regarding race, color, national origin, and ethnicity, public hearings were held on November 7 and 21, 1983. The Lesbian/Gay Advisory Committee of the Human Rights Commission had been discussing the issue for some time when it was approached by the Task Force on Racism at its meeting of August 25, 1983. From that meeting, the Committee decided to request that the Human Rights Commission hold public hearings to discern the extent of the allegations. The Human Rights Commission (HRC), at its meeting of September 15, 1983, unanimously agreed with the Committee.

The data base from which the hearings were held stemmed from two (2) bar surveys conducted by Black and White Men Together - S.F. (See Appendix for these surveys). In order to address the issue as a whole and believing that the problem went beyond employment by bars, the HRC extended its study to include those for-profit businesses owned by Lesbians and Gay men which serve as a social base for the diverse Lesbian/Gay community. The HRC determined that in order to serve its community, the workforce must be reflective of the community it serves. The businesses included as serving a social base were bars, restaurants, hotels, nightclubs/cabarets, bath houses, and gyms. Other businesses, in the areas of services, sales, and the professions were also included. The hearings were open to testimony from organizations, businesses, and individuals who might have experienced discrimination or who wished to speak about the issue. The hearings were not intended in any way to infer that discrimination

existed solely in the Lesbian/Gay community or that it was endemic to that community. Rather, the hearings were an attempt to air and mediate a problem that existed within the Lesbian/Gay community, which members of that community felt needed to be addressed. The Lesbian/Gay community could then stand as a role model for other communities to deal with their own intra-group discrimination issues.

Both written and oral testimony was solicited, analyzed and tabulated. Two hundred and seventy five (275) businesses and twenty five (25) organizations were personally invited to testify. Flyers were sent to approximately eight hundred (800) organizations and the media was contacted. There were twenty six (26) testifiers. Workforce survey forms were originally sent to two hundred and seventy five (275) businesses and six hundred (600) more sent to Golden Gate Business Association members. Twenty seven (27) workforce survey forms were returned in toto.

The hearings revealed that Lesbians and Gay people of color are proportionately under-represented in the workforce of Lesbian/Gay-owned businesses. Everyone who testified, whether business association, community organization, business, or individual, expressed this fact and stated that effective, long-term, and expeditious remedies needed to occur: how this should take place and individual responsibility differed.

While some public testimony indicated blatant discrimination, much of the racism occurred through institutionalized racism, a system of exclusion and differential treatment by whatever intent. Much of the hiring practices occurred through the "old boy/girl network." Business associations, while actively working on issues impacting on the quality of life for Lesbian/Gay people, have done little in the area of affirmative action and racism in the Lesbian/Gay community itself. By and large, the associations are voluntary. While both testifying business associations have

nondiscrimination policies for membership, they do not have educational programs on affirmative action, people of color on their boards, and one of them does not have a grievance committee. One business owner spoke of the fear of regulation, while another business person showed by example how he had implemented a brand of affirmative action, and another said he would like to do better but did not know how.

Individual people applying for jobs testified to either blatant discrimination or subtle dismissal. All expressed frustration at being made invisible and the outrage they felt at the discrimination in their own community. They sincerely wanted things to change but were tired of working in isolation and the fear of losing jobs. Some people reported that people were not present to testify due to that fear. Some talked of boycotts as the solution. Some community organizations talked about the work they were doing to outreach and network with people of color and in dealing with issues of racism. They all agreed that their organizations needed to do more to effect change.

It was demonstrated that the media played a large role in perpetuating the myth of the young, handsome, white man as the ideal Gay person. Few Lesbian/Gay newspapers employ people of color or deal with issues of racism or concerns of people of color.

Public testimony strongly supported the active participation of the Human Rights Commission and the Lesbian/Gay community working together to effect change through addressing racism and affirmative action head on and designing effective programs to ameliorate the unfair hiring and employment practices now occurring.

The Human Rights Commission proposes that the business associations not only incorporate nondiscrimination policies as criteria for membership, but support concepts of anti-racism and voluntary affirmative action,

present educational programs on such, work out master affirmative action agreements, set up grievance committees, build an employment applicant pool system, set a goal of 30% minority participation on their Boards, outreach to people of color, advertise only with responsible media, and reserve a newsletter column dealing with minority issues.

Individual businesses should either commit themselves to their association's program or if not belonging to a business association, commit themselves to a voluntary affirmative action program.

Political clubs and community groups should adopt a statement of nondiscrimination, recruit people of color into their organizations, address issues of racism, lobby and educate Lesbian/Gay business people about affirmative action and build an employment applicant pool for use by members and employers.

The media needs to hire people of color, include articles by and for people of color, not accept racist advertisements, reduce ad rates for businesses practicing affirmative action, and publish a yearly list of these businesses.

The Human Rights Commission commits itself to assisting in setting up affirmative action programs, employment applicant pools, and providing other technical assistance. It will prepare and disseminate outreach lists and keep a referral system of racism and affirmative action consultants. It will publicize the findings and recommendations of this report, as well as prepare informational pamphlets and write educational articles on affirmative action. The HRC will handle cases of race discrimination under Chapter 12A of the San Francisco Administrative Code through its Lesbian/Gay office if so asked. It will monitor the progress of commitment made and conduct a follow-up study. If no substantial cooperation is seen and no fundamental changes made, HRC may initiate a complaint with the Department of Fair Employment and Housing. Hopefully, though, through the

concerted and sincere efforts of the Lesbian/Gay community and the Human Rights Commission, positive, expeditious, and effective change can take place. Nothing less will do.

CHAPTER ONE: RACISM AND HOMOPHOBIA: THE SAME SIDE OF A COMMON COIN

In order to understand how prejudice and discrimination operates in the United States, one must consider that American society has been defined and founded on white, male, class-based, Christian, heterosexual, Western European ethics and principles. In this way, people and cultures not meeting the "norm" (as most people do not) are seen and treated as "others" in the society. Minorities and women, while trying to exist in a dominant culture not their own, try to retain their own cultural heritage/identity and at the same time attempt to mainstream into the dominant culture. Instead of working together, people often become divided and work against each other even in their own communities and needed coalitions with others cannot be built. For instance, Third World communities contain both heterosexuals and Lesbians/Gay men; the Lesbian/Gay community encompasses both white people and people of color. Yet in Third World communities homophobia makes Lesbians and Gay men invisible, as in the Lesbian/Gay community people of color often become invisible. In all communities, dominant and minority, sexism renders women the "other" everywhere. For Lesbians and Gay men of color, these divisions are often devastating. The only people standing to gain anything from these segmentations is the dominant strata of society.

Due to the nature of discrimination, it is not unusual for one oppressed group to oppress another; it has been seen time and time again. In this case, the reason for the public hearings and this report is the apparent racism exhibited by Lesbian/Gay-owned businesses. Although working for a new consciousness and understanding of their own oppression, the Lesbian/Gay community has brought with it the views of a racist

society. Those very same views and ideologies have kept the Lesbian/Gay community down and so work against Lesbian/Gay liberation. Lesbians and Gay men cross the spectrum of society. They are of both sexes, all races, cultures, religions, ages, classes, physical appearances and abilities. In trying to hide differences and inculcate society's standards as one's own, people deprive themselves of their very essence, their very rich and varied culture. Freedom for some is not freedom and never will be.

The 1980 Census reported that 52% of San Francisco's population is composed of Third World people and people of color. Since Lesbians and Gay men come from every spectrum of society, one would assume that there is also a high percentage of people of color in San Francisco's Lesbian/Gay community. But as the Black and White Men Together's survey points out, there were approximately only 10% of visible people of color employed in Gay men's bars. Additionally, as testimony shows, this low percentage of employment is not only occurring in bars but is indicative of the general Lesbian/Gay business employment picture.

"Discrimination...refers to actions or practices carried out by members of dominant groups, or their representatives, which have a differential and negative impact on members of subordinate groups," as defined in Discrimination American Style by Joe R. Feagin and Clairece Booker Feagin (New Jersey: Prentice Hall, Inc., pp. 20-21). Although strides have been made in combatting racism, society has a long way to go before equal opportunity and treatment is truly a reality for people of color. In order for this to happen, voluntary affirmative action programs were developed to "...result in a workforce more or less representative of the racial and ethnic composition of the population from which employees are hired." (Eliminating Discrimination in Employment, EEOC handbook,

1979, 11-2) "Because of the effects of long-term conditions of discrimination, mere nondiscrimination will not create conditions of equal opportunity. The purpose of affirmative action is to promote, by specific measures genuine conditions of equal opportunity during the lifetime of the present generation." (HRC's Principles for Affirmative Action in Employment)

Lesbians and Gay men of color are weary of fighting racism and educating the rest of the Lesbian/Gay community about racism. In reality, Lesbians and Gay men of color are not responsible for making the necessary changes nor can they do so while working in a vacuum. True changes can only come about when the entire community addresses racism and becomes anti-racist in attitude and action. It is time that the Lesbian/Gay community, and its businesses, institute its own affirmative action programs with vigor and sincerity. (See Appendix under Affirmative Action)

CHAPTER TWO: INTRODUCTION TO PUBLIC HEARINGS

1. The Problem

Reports of differential treatment stemming from race discrimination by Lesbian/Gay businesses against Lesbian/Gay people of color, both in the areas of employment and public accommodations, had been appearing in the Lesbian/Gay media, and had been discussed by various organizations, including the Lesbian/Gay Advisory Committee, for some time. Then Black and White Men Together - SF publicized its first survey of Gay men's bars in March of 1982. This survey, conducted on February 5, 1982, studied visible employment in 99 bars. Of the 300 employees on duty that night, 9% were people of color and most of these were employed in bars patronized almost exclusively by Blacks and Latinos. Although the results were publicized, nothing of major importance was initiated by the Lesbian/Gay business community to solve the problem. Nine months later, in October, a second survey of 96 bars was undertaken. Of 306 visible employees that evening, 10.8% were people of color. According to the 1980 Census, San Francisco has a 52% people of color/Third World population. After once again publicizing its findings and receiving no substantial support from the Lesbian/Gay business community, a Task Force on Racism was formed, consisting of 55 people representing more than fifteen community groups. They in turn looked into various ways to ameliorate the problem. They met with the Human Rights Commission staff on June 13, 1983.

After considering the various possibilities, the Task Force on Racism decided to work with the Human Rights Commission toward solving the problems of discriminatory employment practices in the Lesbian/Gay community. They gave a presentation to the Lesbian/Gay Advisory Committee on August 25, 1983, and the Committee decided to request that the HRC hold public hearings. The Human Rights Commission unanimously agreed to do so at its meeting of September 15, 1983. In order to address the issue as a whole and believing that the problem went beyond employment by bars, the HRC extended the scope of its study to include and focus on, but not be exclusive of, those for-profit businesses owned by Lesbians and Gay men which serve as a social base for the Lesbian/Gay community and, therefore, should be representative of its diversity.

2. Operating Authority

The Human Rights Commission held these public hearings and prepared this report under the jurisdiction of Chapter 12A of the San Francisco Administrative Code, which reads, in part:

"the Commission shall have the power and duty to:

(a) Study, investigate, mediate and hold public hearings on community-wide problems arising in this City and County which may result in intergroup tensions or discrimination because of race, religion, color, ancestry, age, sex, sexual orientation, disability or place of birth. In the performance of its duties under this subsection, the Commission, as permitted by law, may require, by subpoena ad testificandum setting forth the specific nature of its inquiry, the attendance and testimony under oath of any person directly involved in or concerned with discrimination within the scope of this ordinance whose presence and testimony is reasonably necessary to its inquiry; provided, however, that any such inquiry involving any agency, board, or officer of the City and County shall be governed by the provisions of subsection (f) hereof. In case of the refusal of any person to attend or testify as required by a subpoena ad testificandum issued by the Commission, the Commission may proceed to petition for a court order pursuant to Section 1991 of the Code of Civil Procedure.

(b) Prepare and disseminate educational and informational material relating to prejudice and discrimination and ways and means of eliminating such prejudice and discrimination.

(c) Furnish cooperation, information, guidance and technical assistance to other public agencies and private persons, organizations and institutions engaged in activities and programs intended to eliminate prejudice and discrimination.

(d) Consult with and maintain contact with other public agencies and with representatives of employers, labor unions, property owners associations, realtor associations, religious denominations and institutions, professional associations, national origin groups, community organizations concerned with interracial, interreligious and intercultural understanding, social welfare organizations and such other private organizations and institutions as the Commission shall deem advisable to further the objectives of this ordinance.

(e) Cooperate with and make written recommendations to City and County agencies, boards and officers towards the development and implementation of programs and practices for the purpose of furthering the objectives of this ordinance. The Commission and the affected agency, board or officer shall submit reports of progress in establishing and implementing such programs and practices as are from time to time requested by the Mayor through the Chair of the Commission.

(f) Subject to the approval of the Mayor or the Chief Administrative Officer, where appropriate, request of any City and County agency, board or officer information, services, facilities and any other assistance for the purpose of furthering the objectives of this ordinance. All such requests shall be promptly complied with by the affected agency, board or officer.

(g) Investigate and, with the assent of the parties, mediate all incidents of discrimination within the scope of this ordinance to the extent such functions are not within the exclusive responsibilities of the California Fair Employment Practices Commission or any Federal or other State agency, and make specific and detailed recommendations to the interested parties as to the method of eliminating such discrimination.

(h) Prepare, encourage and coordinate programs of voluntary affirmative action to reduce or eliminate existing inequalities and disadvantages in the City and County resulting from past discriminatory practices."

3. Objectives

The objectives of this investigation were:

- A. to study the employment and hiring practices of Lesbian/Gay businesses, specifically regarding race, color, national origin, and ethnicity;

- B. to identify the allegations of possible discrimination;
- C. to hold public hearings to solicit testimony from community and business organizations, businesses, and individuals;
- D. to prepare Findings, documenting the results of the public hearings, workforce survey breakdowns, and other testimony;
- E. to propose appropriate recommendations and changes to ensure fair and equitable participation of Lesbian/Gay people of color in Lesbian/Gay businesses; and
- F. to assist in the implementation of the recommendations proposed.

4. Methodology and Procedures

The Human Rights Commission staff sent letters of invitation and workforce survey breakdowns to 275 businesses: 97 bars, 31 restaurants, 3 nightclubs/cabarets, 25 hotels, 8 gyms, 9 bath houses, and 102 general businesses (professional, sales, and services as a sampling). Twenty-five (25) invitations were sent to business and community organizations and individuals. These were mailed the weeks of October 3 and 10, 1983. Subsequent to the hearings, the Golden Gate Business Association included the forms with a newsletter item which was mailed to its membership. The addresses for the mailings were procured from Renaissance House, Colorful People and Places, Gay Yellow Pages, Lesbian/Gay Advisory Committee mailing list, BWMT-SF bar survey, GGBA listings, and word of mouth.

Publicity in the form of articles, news releases, public service announcements, and calendar items was prepared primarily for Lesbian/Gay media, minority media, women's media and some progressive media. Paid public announcements appeared in the San Francisco Progress, the city's official newspaper. Sensitivity and understanding was given to the fact that mainstream media could use the public hearings for

homophobic ends, intimating that racism occurred exclusively or more often in the Lesbian/Gay community, thereby dividing the minority communities. Fortunately this did not occur.

Meetings were held previous to the hearings with business and community groups to outline the intent of the hearings and to garner their cooperation.

The testimony at the Public Hearings came from community and business organizations, businesses, and individuals who might have experienced discrimination or who had something to say on the issue. Organizations were given ten minutes with which to make their presentation, and businesses and individuals received five minutes. Questions by commissioners were allowed after each presentation. On November 7, fifteen (15) people testified and on November 21, eleven (11) people testified. (See Chapter 3 for detailed information)

CHAPTER THREE: KEY ISSUES

1. Excerpts of Public Testimony

A. November 7, 1983

Mr. Grant Mickins, Director of the Human Rights Commission

Mr. Mickins opened the Public Hearings by citing that the hearings were being held under Chapter 12A of the San Francisco Administrative Code. (See Chapter Two of this Report) He reported that public hearings are a tool to identify the problems, define the issues, and develop recommendations and solutions. The first use of public hearings involved allegations of discrimination in the hotel industry which led to legislation (Chapter 12B of the San Francisco Administrative Code) assuring equal employment opportunities for minorities and women in City contracts. Later, public hearings were held which led to the sexual orientation ordinance, Article 33 of the Municipal (Police) Code. He stated that the hearings tonight were being held to find a solution to a possible problem area which has been identified as potentially inhibiting the vital Lesbian/Gay movement.

Commissioner Richard A. Sevilla, Co-Chair of the Lesbian/Gay Advisory Committee of the HRC

Commissioner Sevilla described the purpose and intent of the public hearings in greater detail. The Lesbian/Gay Advisory Committee (L/GAC) has continually attempted to address the issues and problems faced by its community, both from outside and from inside. When the Task Force on Racism came to the Committee, the L/GAC recommended to the HRC that business practices be looked into generally, as the problem of race discrimination existed beyond the boundaries of the

bars. The hearings were not in any way intended to infer that racism was more wide-spread within the Lesbian/Gay community than in any other community. In fact, the Lesbian/Gay community could be used as a role model for other communities to deal their intra-group discrimination issues.

Commissioner Phyllis Lyon, Chairperson of the Human Rights Commission, then laid out the ground rules of the hearings.

Tom Horan and John Teamer, Black and White Men Together-San Francisco

Mr. Horan reported that BWMT-SF was founded in 1980 so that Gay men could explore inter-racial interactions. He stated that the San Francisco Gay community is a "textbook example of institutional racism." BWMT-SF became actively involved in the issue in 1982 as a result of observations of the dramatic under-employment of people of color in the Gay bars. (See Appendix for BWMT-SF Bar Survey report) Their emphasis has been to bring the problem out into the open for community discussion, apply public pressure to get the bar owners and managers to assume responsibility, and to come up with solutions. Unfortunately, bar owners gave them virtually no response and although they spoke to the Tavern Guild twice, nothing happened.

Mr. Teamer reported that the "old boy/girl network" of hiring is so ingrained that white employers will not admit that the practice denies "employment opportunities to non-whites." He said BWMT-SF has done everything they could as reasonable people. BWMT requests to business associations were as follows:

1. Revamp hiring practices so people of color could be informed about the existence of jobs.

2. When necessary, revise their hiring and training policies to allow their staff to realistically reflect San Francisco's racial and ethnic diversity.
3. They join with BWMT and the Task Force on Racism to combat discrimination in the Lesbian/Gay community.

He reported that BWMT had been accused of dividing the Lesbian/Gay community and providing ammunition to the right-wing. Rather, he said, BWMT is firm in its belief that the division and the ammunition came from those that discriminate.

BWMT came to ask the Human Rights Commission to do everything in its power to encourage the offenders to voluntarily correct employment practices. "If the combined forces of the HRC and the Lesbian/Gay community-at-large are not adequate to convince the offenders of the need for immediate change, then there are no options left but to choose specific offenders and to take away their clientele."

Commissioner Moulton commented that in one Chicano community it was necessary to put up picket lines and put on pressure.

From Commissioner Sevilla's questioning, it was determined that the highest concentration of people of color/Third World employees was in bars catering to people of color.

Commissioner Morrissey asked about the Golden Gate Business Association. Mr. Horan made it clear that the two business associations represented different kinds of businesses. The Tavern Guild was comprised of bar and restaurant owners and the Golden Gate Business Association was more like a Chamber of Commerce.

Jerry Dunbar, Gay American Indians

Mr. Dunbar addressed the issue of discrimination and prejudice

faced by American Indians in the United States. While Native Americans took pity on the refugees, or the first "boat people," who had come fleeing persecution and discrimination, the Pilgrims turned on them. "The ideologies of western man, be it capitalism, socialism or communism, has little respect for anyone." He said that the history of this land has been one of greed and genocide of the American Indian people. So despite laws to the contrary, he did not find it surprising that no one enforced them and that minority people discriminated against others as "it is an extension of an overall illness of society as a whole."

In all of the 25,663 civil service employees in San Francisco, only 73 are American Indian. There are no American Indians in the Mayor's Office, Assessor's Office, District Attorney's Office, City Attorney's Office, or the Human Rights Commission. There is only one American Indian serving as an aide to an 11 member Supervisor Board. "The City government serves as a role model in this issue."

He talked about the discrimination and violence faced by Gay people and then how in Gay areas one does not see any visible non-white Gays, even in the magazines.

He suggested that "perhaps the Golden Gate Business Association or the Tavern Guild should be held accountable for overseeing that Gay businesses and bars follow and adhere to nondiscriminatory and anti-racist policies, and promote affirmative action in these areas."

Jack Dawal, individual testimony

Mr. Dawal is a 30-year old Filipino, living in San Francisco for 25 years. Although he is employed with the U. S. Equal Employment Opportunity Commission (EEOC), he was testifying as a private citizen, but bringing the knowledge and expertise gained in employment discrimination. He gave the following discrimination examples:

1) A Department of Fair Employment and Housing (DFEH) complaint by a Black male who had applied for employment as a bartender in 1973 or 1974. It was found during an on-site investigation that the pretext used for not hiring, which was that the job required an extremely high degree of expertise, was not demonstrated or required by any other employee performing the same job at that bar.

2) His former roommate, a light-complexioned Hispanic, and a Caucasian friend both worked at a South of Market bar at different times. When Mr. Dawal asked about employment, he was told that although the bar had a large Asian clientele, the bar did not hire Asian people.

In 1981, Mr. Dawal attended Professional Bartenders School and was told by his instructor that "employment opportunities for non-whites in Gay bars are non-existent."

Several months after completing school, a fellow student, a Caucasian, told him there was an opening at the bar he worked at, which was the same one that Mr. Dawal's roommate and friend had worked at. When he applied, he was told that there were no openings but he would be notified if one opened up in the future. He has never been notified, although several new hires have been filled, all of whom were Caucasian.

3) In two other incidents, both occurring in 1982, he was not hired and was actually discouraged from applying. One employer actually asked for a photograph, which is illegal. Each told him they would get back to him when there was an opening, but neither has. In one establishment, a Caucasian bartender told him "Lots of luck; you're going to need it."

4) In another incident, occurring in 1983, a bar employer told Dawal's friend that bartender positions are filled "by word of mouth."

Mr. Dawal reported that although these are unfair employment practices, most of these incidents are outside the jurisdiction of EEOC and DFEH due to the small number of employees.

The 1980 census shows that minority men and women comprise 28.4% of the bartenders and waitpersons in the San Francisco/Oakland area. Therefore, Lesbian and Gay businesses perpetuate the "all White American" image and when they do employ people of color, they usually do not have direct public contact.

He ended by stating, "To deny employment opportunities to your non-white sisters and brothers is to defeat the goals we have accomplished, regarding our rights as Gays and Lesbians."

Norm Nickens, Coalition for Human Rights

Mr. Nickens reminded the Commission that race discrimination was not unique to the Gay community, but what was unique was that the Gay community called for these hearings to resolve differences. The focus of the Gay community has long been on civil rights and equality and "the time has come for the Gay community to look to its own house."

He had the following recommendations:

- 1) The HRC needs to actively investigate individual complaints of discrimination based on race.

- 2) The HRC should actively work with businesses and employer organizations to review their hiring policies and employment practices for discriminatory practices.

- 3) The HRC should actively work with representatives of Gay businesses and the Gay community to establish procedures and assist in designing voluntary programs targeting racial and ethnic minorities.

- 4) The HRC should encourage the Lesbian/Gay media to present a balanced picture of the community.

Mr. Nickens pointed out that Gay businesses should represent the diversity of its community and that it was time that the Lesbian/Gay community demanded that. He ended his statement by noting "practices rooted in stereotypes, resulting in discrimination, run contrary to the standards of social justice demanded by our community, and to be expected from our community."

Mr. Grant Mickins cleared up Commissioner questions regarding jurisdiction of complaint cases. While the HRC has dispute resolution duties, it is the State Department of Fair Employment that has jurisdiction with respect to race discrimination enforcement, as well as the State agency that licenses bars.

Randy Stallings, Alice B. Toklas Lesbian/Gay Democratic Club

Mr. Stallings stated that as a community, Lesbians and Gay men are no more racist than anyone else, but the tradition of progressive support for civil rights demands that discrimination against Third World people, the elderly, and the disabled be confronted.

The general public holds the image of the young, attractive, white male as the ideal and Gay people "have bought into it" as well. Gay businesses perpetuate this and in so doing say that discrimination is only discrimination when faced by Gay white men. This threatens to polarize us by dictating who people should fraternize with. Traditionally, many of these businesses have been the backbone of the Lesbian/Gay community and have been places of liberation. In order to come together in a hostile world, factors which divide must be ended so that Lesbians and Gay men see themselves as "family." He pledged that the Alice Club was prepared to tackle the issue head on with other groups to resolve it and if necessary, through boycott.

Howard Wallace, Lesbian/Gay Labor Alliance

Mr. Wallace expressed some reluctance about the outcome of the hearings because just an airing of the problem was not sufficient, but political and social muscle with some authority was needed to move ahead. The Labor Alliance intends to help gather up people holding access to these jobs. He said that the Labor Alliance has also concurred with Local 2, with some 16,000 members, and they are willing to help find qualified people.

He spoke about the article in The Sentinel of last year which attacked BWMT's report and actually defended racism.

Mr. Wallace did not believe that the community actually supported racism but that it did accept the "old boy/girl network" and that there had been a failure in leadership to correct the situation. Mr. Wallace reported that the community has set up picket lines and as consumers can boycott. This is the time to make examples of ourselves, to be a model of a human rights mecca.

He pointed out how important the bars have been and continue to be in the Gay community. As such, they make a lot of money, and the community is entitled to some of this; hopefully, this can be done in a cooperative way, but if necessary confrontation may be the tactic. As the labor movement has shown leadership, it is time for businesses to do the same. He concluded by saying that businesses "should either show some leadership, respond in some positive way, or get out of the way, because here we come."

Commissioner Sevilla then asked if the Gay bars were unionized to which Mr. Wallace replied in the negative. Most of the union employees in Local 2 (Hotel and Restaurant Local) are Third World people. Local

2, through minority pressure, federal laws, and court cases, has set up affirmative job opportunities. His organization saw unionization as only one solution and also believes in direct and political action to affirm employment and human rights.

Commissioner Wade commented that Mr. Wallace was possibly the third person to bring up the Gay press. Mr. Wallace said he thought the problem was that some Gay press may be beholden to advertisers in various degrees and that these advertisers are the very ones we are talking about. Commissioner Wade said that the papers who are willing to speak about the issue should be rewarded with more advertising.

Commissioner Chung inquired about how many Lesbian and Gay-owned businesses and employees there were to which Mr. Wallace referred to the BWMT report and the Tavern Guild and Golden Gate Business Association.

In order to illuminate the questions, Jackie Winnow, Lesbian/Gay Community Liaison, informed the Commission that 275 invitations and workforce survey forms had been mailed to businesses. The businesses were procured from various Gay publications such as Renaissance House, Gay Yellow Pages, Golden Gate Business Association booklet, and certain lists HRC had. Only 13 (4.7 percent) of the businesses returned the surveys, so it was impossible to give a legitimate statistical analysis on the workforce diversity of Lesbian and Gay-owned businesses. Ninety-seven were sent to bars, with four returned. Thirty-one to restaurants with one returned. Three to nightclubs/cabarets, with none returned. Twenty-five were sent to hotels with none returned. Eight to gyms with none returned. Nine to bathhouses with none returned. One hundred and two were sent to general businesses, such as banks, newspapers, sales, professionals, with eight returned.

Ms. Winnow reported that it would be impossible to accurately count the number of Lesbian and Gay-owned businesses in San Francisco, as one need not be Lesbian or Gay to be a member of GGBA and there is no census data with which to draw from.

Arthur Lazere, Golden Gate Business Association (GGBA)

Mr. Lazere was a past president and is a current Board member of GGBA. There are 755 members who are Lesbian, Gay, and non-Gay, and include Blacks, Asians, Latinos. He said that it was impossible to know how many Lesbian and Gay-owned businesses there were since the census does not collect that kind of data. Since Lesbians and Gay men comprise approximately 15% of San Francisco's population, he would assume a similar percentage for Lesbian/Gay businesses. About a dozen members of GGBA are bar owners, but the vast majority of bar owners are with the Tavern Guild.

In 1980, GGBA adopted the following statement:

"A member will not discriminate in employment or otherwise, based on race, religion, age, sex, or sexual preference."

Mr. Lazere reported that GGBA has never received a complaint of discriminatory practices by a member business. They have a standing ethics committee which reviews complaints and reports to the Board of Directors. The policy is disseminated to all new and prospective members. This code of ethics has also been adopted by the National Association of Business and Professionals (a national Gay business association). The national association has a committee on racism.

Although GGBA's policy makes it clear that discrimination is not acceptable, they are not in a strong enforcement position. They are a voluntary organization.

Commissioner Soler asked how many of the Board members were minorities to which Mr. Lazere answered none. Commissioner Soler recommended that people of color be placed on the Board at the next election, which was to take place next month. She said that because minorities are not represented, it is not unusual that complaints have not been received. More outreach needs to be done. Mr. Lazere agreed and said that GGBA had done that kind of outreach with women and now the next President will be a woman.

When Commissioner Sevilla inquired into the information behind adopting the policy, Mr. Lazere stated that when he was president he started the ethics committee because it seemed to him they "had to do more than simply reflect the existing membership, that [they] had to do some leadership and some education of [their] own membership..."

[Note: Since the hearings took place, a minority outreach committee has been established, a woman has been elected president, and GGBA sent out, along with a newsletter item, copies of the workforce survey to their membership.]

A. Billy S. Jones, Bay Area Black Lesbians and Gays (BAYBLAG) and the National Coalition of Black Gays (NCBG)

Mr. Jones began his testimony by acknowledging that he was also the International Co-Chair of Black and White Men Together.

He reported that he has been active in the civil rights movement and struggles for Black people since the 1950s and as a Black man has experienced racism every day of his life. For those Black people who are also Gay, it is important to feel part of and work within the Lesbian and Gay community, which has experienced its own historic

discrimination and homophobic attacks. However, the inequality in the community makes that almost impossible.

Mr. Jones reported that he conducted his own walking survey of Gay businesses in various Gay areas as late as November 6, 1983 and found that out of 143 employees, he noted only 17 visible people of color. He commented that more statistics, particularly in the area of how many Gay businesses there were, should not be what is important to the HRC. More proof is not needed. Because of institutional racism, people of color are often powerless to make changes that a Human Rights Commission could effect.

His testimony recommended that:

- 1) the HRC confirm the conclusions of the 15 organizations who have endorsed the BWMT findings.
- 2) Businesses join with the community groups testifying who are saying to the Lesbian/Gay businesses to cease the "old boy/girl network" and advertise positions so qualified people may apply.
- 3) Document employment procedures and develop clear job descriptions.
- 4) Implement voluntary affirmative action programs, statistically related to the proportion of people of color in the City.

He ended by stating that the members of BAYBLAG and NCBG, as well as members of other minority organizations within the Lesbian/Gay community, are working on the issue exhaustively and that racism is a reality.

Commissioner Morrissey queried Mr. Jones regarding the patrons of the establishments he surveyed, to which Mr. Jones remarked that most of the patrons were white. This was primarily due, he thought, to the

fact that many persons of color would not feel comfortable in a white establishment. He related an incident wherein he went to a bar located on Folsom Street that had hung a rebel flag, which he found to be a "blatant racist statement." He did not stay.

Commissioner Sevilla asked Mr. Jones what he thought about concerns raised that the hearings were divisive because they were looking inward and not across a whole industry. Mr. Jones remarked that this could be an example to mainstream society as a whole and that the Lesbian/Gay community "should not wait for mainstream society to get its act together."

Jim Bonko, Tavern Guild

Mr. Bonko reported that the Tavern Guild was formed 20 years ago and serves as a very loosely knit organization of bars and restaurants primarily in the San Francisco Bay Area and as such does not regulate hiring or firing policies of member bars. The membership consists of 300 members, with 100 Gay bars in the Bay Area, and meets twice monthly. Out of 300 members, he estimated that 10 were persons of color and 10 were other minorities; the rest were white males and very few females. He reported that BWMT addressed the Tavern Guild in the fall of 1982, but no demands were made.

He contended that there was discrimination in Gay bars in San Francisco, as well as straight bars. He was quite surprised to see so few bar owners or bartenders in the audience and that few people in general were present at the hearings.

Mr. Bonko read the Tavern Guild statement formulated in July of 1982, as follows:

"A member will not discriminate, in employment or otherwise, based on race, religion, age, sex or sexual preference, as appropriate to our business needs."

Mr. Bonko testified that since the organization is voluntary and no one gets paid, there is not time for policing of the membership. At the end of its newsletter, bartenders, managers, or waiters who are unemployed are listed with their phone numbers. A brief form is filled out with current address and past work experience. They run it in eight newsletters for two months. The newsletter does not list job openings as they are usually filled before the newsletter is sent out.

Questions were raised regarding "appropriate to our business needs," but no satisfactory answer of the intent or impact of that statement was reached.

Mr. Bonko reported that many bars need a new bartender right away. Most bars do not have many people of color applying. A business needs to know where a person has worked, whether he/she can be trustworthy, is clean, and so quite frequently word-of-mouth or friendship comes into play which creates a "family-knit circle." Commissioner Yamakawa pointed out that how a person looks, as far as trustworthiness is concerned, can be very biased.

Although a voluntary organization, the Tavern Guild was instrumental in the Coors boycott, in the orange juice boycott during Anita Bryant's anti-Gay campaign, and now the Russian vodka boycott. It seemed to Commissioner Lyon that if the Tavern Guild could do that with "orange juice, beer, and vodka maybe people could be included in

that." Mr. Bonko concurred that the Tavern Guild should do that and more than just a newsletter announcement was needed, but that it had to be done on a one-to-one basis. More dialogue between the Human Rights Commission and the Tavern Guild bars was necessary. Mr. Bonko agreed to include the HRC workforce survey form in the next newsletter sent. He felt that the bars generally did not fill out forms and that the Guild itself had problems in that area with their own materials. He committed himself to reporting about the hearings at the next Tavern Guild meeting on November 8 and that perhaps a committee could be gotten together. It was suggested that the twenty (20) minority members sit down at meetings with the majority members to start addressing these issues. More minority people need to come to the meetings and be listed in the newsletter. It was also suggested that a conscious effort to go out to the community and seek applicants be made and that the newsletter should also list job openings and members should make a commitment to work on procuring minority employees even if the hiring process is more lengthy and the Tavern Guild should develop a pool of applicants to facilitate a speedier and equitable process.

Mr. Bonko stated "I can do anything that the Human Rights Commission requests."

Kevin Wilcox, individual testimony

Mr. Wilcox's experience is contained in the BWMT Report. (See Appendix A) When Mr. Wilcox attempted to apply at the 'Badlands as a barboy or floorperson, he was told that they only took applications on Mondays, but when he returned on Monday it was Halloween and he was told they were not interviewing applicants that day. He left copies of his resume on two different occasions and never received a reply.

Mr. Wilcox has a speech impediment and it has been suggested to him that this might be the reason for his non-hire. He pointed out, however, that he has successfully worked as a bartender, barboy, and floorperson in Chicago. Mr. Wilcox reported that when he was at a Tavern Guild meeting no one offered him an application at all. He will continue to make an effort to go to their meetings.

Lawrence A. Weathers, individual testimony

Mr. Weathers' experience is also contained in the BWMT Report. He frequented the Pendulum bar, was friendly with the owner, had some clout, cashed checks there, but when he applied for a job, he was told by the owner "that he didn't want another Black bartender to work there. He had one, at one time." He also applied at the Badlands, submitting an application with a picture, but he never received a response. He has gone to the NAACP for help.

Mr. Weathers noted the lack of representation and the lack of people in the hearing room. He said that a great deal of work needed to be done, before the talk of boycotts became a reality.

James Ivory, individual testimony

Mr. Ivory questioned the use of the "old boy network" and the racial and ethnic images of employees that the private owners of these Gay bars foster, which keeps them from hiring more equitably. He said that it is a matter of sensitivity of those who take from the community and need to give something back, as well as the due process of employment. Mr. Ivory hoped that the hearings were a way of turning the community anger into something constructive.

In all of his 16 years of being a San Franciscan, he has only seen one open listing for work in a Gay bar and that was the Castro Station.

Only once did he seek employment in the Gay bar business, part-time in the South of Market area. During a co-sponsored fund raising event, he heard that there were potential job openings for bartenders or ancillary bar help. He called and set up an interview, but in the process heard one bar owner say, "That's all I need, that's just what I needed, ...Jim Ivory."

Judit Moschkovich, individual testimony

Ms. Moschkovich related that she was at the hearings as a witness for a friend who had applied for a job. Last March, she had accompanied her friend to a Gay-owned ice cream parlor on 18th Street. The job was advertised at San Francisco State University. Her friend, a Black Puerto Rican, was told the job was filled. A couple of days later, Ms. Moschkovich saw the job still posted, so she went back by herself and she procured an application. Ms. Moschkovich is a white-skinned Latin American.

She related that she did not make a complaint because she did not know where to go. She has heard this from other people. She recommended that some sort of agency make its procedure clear so people know where to go. She also reported that when she talked about the hearings to friends of hers, one of them, a Black woman, said "[She] could tell some stories but [her] job would be on the line." She could not afford to be known as someone who would speak up on issues of racism. Another friend, who is white, told her about an incident she witnessed at a women's restaurant. When somebody applied who was Black and spoke with an accent, the owner said, "I want to hire people who are American." This friend's lover now works at the same restaurant and so she did not want to jeopardize her lover's job by being identified as someone who speaks out against racism. Ms.

Moschkovich suggested that there be a way for people to respond anonymously, so that their experiences can be collected.

She believes that people with white-skinned privilege have a duty to come and report what's going as they "do have it a little easier."

Toni Macante, owner of Macante's bar

Ms. Macante, probably the only bar owner in the room, decided to speak and report the employer's side. She owns a predominately woman-occupied bar.

She related that she had hired Black people, but that minorities usually did not come to her for jobs as she was not one of the "biggies." She did not discriminate, but felt "it necessary to apply some rules of discretion in terms of who to employ." She told the Commission that a person needed to be trustworthy, particularly in the bar business, and that's why a lot of hiring was done by word-of-mouth. She said people of color may have a problem due to language barriers.

Commissioner Sevilla raised the fact that some of her statements could be construed in a racist way. Ms. Macante said she did not hire people on the basis of color and did not appreciate a government agency interfering into her business. She practices fair employment practices just because she's a fair person and does not believe in policing; for instance, she would close her bar rather than go union. Commissioner Yamakawa pointed out that as a bar, her business is very heavily regulated.

She believed basically that qualified people are employed. Commissioner Sevilla pointed out that it is repeatedly raised that people of color are not qualified or are inexperienced; this same

point is raised about the under-representation of women in various workplaces, but Ms. Macante had managed to hire women. Ms. Macante commented that some of them had had no prior experience and were trained by her.

She reported that she did not fill in the workforce survey form because it was too "verbose" and touched on areas that were none of HRC's business.

She told the Commission that she believes the Tavern Guild needs to seriously consider a grievance committee and that a better job placement system be implemented. She said she would voluntarily participate in such a program.

B. November 21, 1983

Chairperson Lyon, Director Mickins, and Commissioner Sevilla reiterated their opening remarks of November 7.

Ms. Jackie Winnow, Lesbian/Gay Community Liaison, reported that the return rate on the workforce surveys sent out to various Lesbian/Gay-owned community businesses was too small to be statistically significant and no adequate analysis could be drawn. Ms. Winnow commented that the Tavern Guild and the Golden Gate Business Association had agreed to send out workforce surveys in their next newsletter. A better return rate was expected. [Note: Subsequent to the hearings, GGBA sent out the workforce survey forms, but TG did not.]

Russell Kassman, owner of R. Kassman Piano and Organ stores

Mr. Kassman shared his experience as a gay business owner in the hiring of individuals to fill existing openings. Three employment services are primarily used. These are: the Jewish Vocational Service funded by the Jewish Federation Council, the Gay Employment Service, and a service funded by the federal government that provides applicants who are 65 years or older.

Mr. Kassman reported that his best return rate from these services has been from the Jewish Vocational Services. Out of seven contacts made, three employees have been acquired. Two of these individuals stayed for approximately 2.5 years and one is a continuing employee who has served for over four years. The hired individuals are both Russian Jewish immigrants and two were successfully trained in specific piano rebuilding skills.

The federally funded employment service has been of little use. Mr. Kassman reported that the Gay Employment service has been specifically problematic. Inappropriate job applicants have been repeatedly provided.

Attempts have been made to hire people out of Gay community half-way houses and drug rehabilitation programs. These have also proved unsuccessful because inadequate follow-up was provided by counselors for these individuals which contributed to a trend for the employees to return to their original habits of excessive drug/alcohol use, making termination inevitable.

Mr. Kassman shared that, overall, his largest disappointment as a gay business owner is that there is not one competent Lesbian/Gay community employment agency available for use to fill vacant positions.

Commissioner Yamakawa inquired into the workforce breakdown. Mr. Kassman reported that eight to eleven people are employed in total. Four are sales personnel, two are clerical, two are piano technicians and two are delivery workers. Of those presently employed, three are

Gay men, one is a Black man, one a Chinese woman and three are Jewish men, of which one is a Russian-Jewish immigrant. Mr. Kassman indicated that he also used State and Federal employment services. Mr. Kassman said that the best results he had achieved have been through a personal contact with a particular state employee who provides continually good referrals of an older, semi-retired clientele. Although in his experience with the Jewish Vocational Service some individuals were referred who have a language barrier, efforts were made to train them into technical service.

Commissioner Yamakawa asked the source of the referral of the Black man and Chinese woman. Mr. Kassman reported the woman came from the Oakland State Employment office and the Black man came from the San Francisco E.D.D. Both the Black man and the Russian immigrant were paid through CETA.

Commissioner Yamakawa asked about Mr. Kassman's conscious efforts towards minority outreach. His response indicated that since 40% of his business came from Asian clientele, special advertisements of openings are made in Chinese, Korean, and Japanese community papers.

When asked by Commissioner Yamakawa if he had any recommendations on the expansion of his workforce within affirmative action goals, Mr. Kassman replied that an owner must look past the sex, religion, or color of the applicant to consider only their ability to fulfill the position. The owner must be open to considering anyone meeting job qualifications and make firm efforts to provide specific job descriptions available to a wide selection of employment services. In this way, an unbiased review can be more easily made of potential applicants. Mr. Kassman pointed out that the Gay Employment Service's past service record would adversely impact on his evaluation of an appli-

cant. His good experiences with the Jewish Vocational Service or State Employment Service would add positive weight to an applicant's appraisal.

Commissioner Sevilla then inquired into Mr. Kassman's policy statement regarding nondiscrimination. Mr. Kassman responded that he does post the statement "we are an equal opportunity employer" and additionally is required to do so as part of his contract as the receiver of a Small Business Association (SBA) loan. He noted that his is the only openly Gay company to ever receive such a loan and it was acquired through Atlas Savings and Loan, a Gay community financial institution.

Through further questioning by Commissioner Sevilla, it was confirmed that it was by design as well as consequence that Mr. Kassman's workforce was fairly broad-based regarding minority employment.

Deborah Kelley, Administrative Director of Operation Concern

Ms. Kelley reported that Operation Concern is a nonprofit Lesbian/Gay community mental health program. Executive Director Carole Migden asked her to speak on Operation Concern's affirmative action program and to offer their expertise to groups trying to implement such a program.

Begun in 1974, Operation Concern is a spin-off program of the Tavern Guild. The paid staff numbers fifteen, with a volunteer staff of twenty clinicians, four administrative aides, and eight students. Of the paid staff, 40% are ethnic minority and 55% of the clinical staff are ethnic minority. Three of the staff are disabled and eight are women.

Ms. Kelley reported that the clinic insists upon a minimum of 50%

Third World clinical staff. It is important that paid staff reflects the community served. Experience has shown that when staff is minority, an upswing is noted in numbers of minority clientele using the services. Ms. Kelley has found that the most important part of an effective affirmative action program is the commitment of the employer. She noted that administrative efficiency may be compromised in an affirmative action effort but the quality of the program is never adversely affected. Because it can take longer to recruit Third World staff, Operation Concern has, in the past, hired an individual on a temporary basis until a qualified Third World clinician could be found. Approximately ten white people apply for each new position, in relation to every one minority applicant. Deadlines are often extended.

Operation Concern has developed an extensive resource list of minority outreach sources to send job announcements to. Ms. Kelley reported it was important to follow these up with personal phone calls and to start a network of individuals who will then share the information with others they know.

Commissioner Sevilla then confirmed, by questioning Ms. Kelley, that a network of verbal sharing of job openings is important in conjunction with the distribution of printed announcements. Ms. Kelley added that without personal follow-up little response from Third World people/people of color would be achieved. Job descriptions are easily lost in the quantity of mail an agency receives, so it is important to encourage personnel to announce openings at staff meetings. The policy of follow-up was established out of a need to reach further into the community to get qualified applicants.

Ms. Kelley acknowledged that the process of outreach gets easier over time and that people are always available to fill positions; the important focus is on reaching out to them with information. It is also important to contain a policy of nondiscrimination in job announcements and to extend this to the disabled community. Without such policy statements, people assume that it is not there.

Commissioner Yamakawa inquired whether the clinic had any job placement services or training components for people. Ms. Kelley replied in the negative, although they have placed individuals from alcohol rehabilitation programs within the agency and do some referrals.

Claver Canfell, individual testimony

Mr. Canfell spoke on the negative impact he has experienced due to racial discrimination in employment. He was also concerned about the claims of the Golden Gate Business Association and Tavern Guild that they have received no complaints from members or others of employment discrimination, that businesses could not find qualified people of color/Third World workers, or that patrons would object if people of color were employed. He submitted that these claims were made without competent evaluation or subsequent proof and warned that their use by the Commission as evidence in the task of assessing institutionalized racism in Gay employment practices could lead to false conclusions. Mr. Canfell referred the Commission to Chapter 10 of Institutional Racism and Community Competence for clarification on this issue.

In his testimony, he pointed out that before BWMT-SF, there was no visibility of people of color or discussion of their issues in the Gay press which was "enslaved to its advertisers" to quote Howard Wallace.

The press had made no efforts to evaluate hiring practices and policies before the results of BWMT-SF's February, 1982 survey. Since that time, only one major Gay newspaper in San Francisco has responded to BWMT-SF and this response has resulted in the hiring of a Black reporter who has competently addressed these issues. However, the paper continued to enforce the stereotypical image of white employment. For example, "Jobs Wanted" ads still designated skin color. The paper has responded to letters of complaint made by BWMT-SF with a promise to cease these actions. But, despite printed disclaimers, this practice had been continued. It took a second meeting held between BWMT-SF and the paper in question, the Bay Area Reporter, which again resulted in the publishing of a disclaimer and nonacceptance of race identification in advertisements.

Mr. Canfell's major point was his wish that the Commission look beyond surface offers of compliance, to take a longer term, critical approach in evaluating any community response, which is additionally reflected in the obvious absence of a strong Gay business owner's presence at these hearings.

In response to questions from Commissioner Morrissey, Mr. Canfell described the personal effects he, as a white male, suffered from discrimination as the negative impact and divisiveness in his relationships with those persons of color he is close with and is additionally impacted by a disparity in economic class when his friends of color cannot find employment.

Michael Smith, Quarterly Foundation

Mr. Smith, the editor of Colorful People and Places and Black Men/White Men, also publishes and edits "Quarterly," a Gay inter-racial and Third World newsletter. Mr. Smith began by remarking on the

privileges of employment opportunities afforded to white males in society. He noted that as a white male, he had done nothing to earn this and every similarly situated white male has to some degree developed a strong denial of the unfairness of the unearned privilege they take. This automatic acceptance of disparity perpetuates discrimination and ultimately victimizes the victimizer, for it leads to community unrest.

He expressed his belief that the Gay community does not exhibit more racist hiring practices than the community-at-large, but that the system does. He attributes this to the fact that Lesbian/Gay businesses are, on the whole, much smaller. "Hiring someone usually means working personally with someone, accepting him or her as a peer." Larger businesses allow people to work more impersonally or to transfer employees out of difficult environments.

Mr. Smith said that business owners may overtly express no ill will but do so implicitly by not asking or answering the question: "Why are people of color not employed in our community?"

He then described his original contacts with the Tavern Guild and GGBA in the attempt to enlist their help to address racism within the community. In all of his and BWMT-SF's attempts, no response of any depth was received from either organization. Their only effort was to release a nondiscrimination statement at the public hearings held two weeks previously.

In discussing the Gay press, Mr. Smith asserted his belief that

the B.A.R. has demonstrated growth in establishing equitable working policies, but holds John van Heusden, a white reporter with The Voice as an example of the perpetuation of racism in the media. In Mr. van Heusden's reporting on the first part of the hearings, he chose to divert the issue and to claim that the absence of a white Gay male presence on the Commission would result in the lack of a fair hearing on the matter at hand. "He cannot conceive of a fair hearing outside the network."

Mr. Smith stated that the only available path to change racist employment practices within the Lesbian/Gay community is for that community to make the effort to enact change itself. It is his belief that administrative/legal monitoring is of little use if employers themselves will not enact change. Pressure must be placed on employers by the community through its leaders. A program of hiring, training, and promotion must be undertaken by individuals, business owners, and community leaders to actively refuse to accept the values of racism within the society.

Commissioner Morrissey asked Mr. Smith to clarify what he wanted the Human Rights Commission to do in improving the hiring practices of the Gay community. Mr. Smith replied that within the Commission's assertion of its authority and in recognizing the basic limitations of the institution, he wishes for a forum that can circumvent further community unrest and help find solutions for the existing problems. In reply to Commissioner Chung's questioning of the motivation behind Mr. Smith's activities to speak for Third World people, he said that discrimination has a debilitating effect on his relationships with

people of color. "It's extremely difficult for a well-meaning white person to enter into an inter-racial relationship that's on a peer level in this City" due to background, economic differences, and power.

Commissioner Chung continued to question Mr. Smith to assess the statistical evidence of discrimination available that might help the Commission to fashion the remedies needed to provide a solution to the problems of employment. In his reply, Mr. Smith pointed out that discrimination is so obvious within the community that action, on a personal and group level, is the important area within which to focus energy rather than on statistical numbers.

Ruth Hughes, individual testimony

Ms. Hughes is a member of the Lesbian/Gay Advisory Committee and an advocate and worker for the rights of sexual minority youth. She stated that as a "short, sometimes overweight, opinionated, Lesbian, vegetarian, articulate, visible, over-40, Black and American woman, I know what discrimination is."

She expressed her concern for the integrity of Lesbian and Gay businesses. Her awareness of racism within the community had been heightened as a result of her experience as an employment placement counselor at a Lesbian/Gay employment agency that closed due to lack of funding. Often contacts made by telephone to potential Lesbian/Gay employers would result in requests to not "...send anyone too Nelly... Chinese...Black." Her frustration in facing such requests from her community was reflected in something Martin Luther King Jr. once said, "When oppressed people willingly accept their oppression, they serve to give the oppressor a convenient justification for his acts." The

Lesbian/Gay community, an oppressed community itself, must not continue to perpetuate this discrimination on its own members.

Ms. Hughes said the Lesbian/Gay community must search deeper within itself in order to actively know and resist the system of institutionalized discrimination of every form.

Dion Sanders, individual testimony

Mr. Sanders is a reporter for the Bay Area Reporter and chief San Francisco correspondent for the Gay Press Association, and National Wire Service. Mr. Sanders is the B.A.R.'s first Black news reporter and writer. Apart from two other national publications Mr. Sanders is aware of, there are no other major Lesbian/Gay print media that employs a person of color as a reporter or staff writer.

In the 1960's, major race riots spurred mainstream media to employ Black reporters where previously they had not. As a result, an increase in the sensitivity of stories relating to Black people was apparent. Mr. Sanders compares this process to the present point of development he is observing and participating in within the Gay press. In the five months he has been employed by the B.A.R., the paper has received numerous crank phone calls and letters attacking the paper for daring to break the color line in the Gay news community.

Mr. Sanders is concerned that he presently stands almost alone as the only Gay reporter in the Lesbian/Gay community covering Third World Gay news and features on a regular basis. To support his contention that the Lesbian/Gay press is actively racist, he presented as evidence the coverage of these hearings by John van Heusden, a reporter for the Vector and the Voice, who chose to focus on the fact that there are no Gay white males on the Human Rights Commission. Mr. Sanders reminded the Commission that Paul Hardman, publisher of

these newspapers, launched a large campaign against a heavy Third World presence on the Lesbian/Gay Advisory Committee to the Human Rights Commission in 1983. As further evidence of racism within the Lesbian/Gay press, he cited the lack of coverage of the hearings by the Sentinel, another major Gay publication in San Francisco.

He issued a challenge to the Gay media to include more Third World Gay reporters, not as a passing fad, but as permanent fixtures. Mr. Sanders ended by stating his intention to continue strong and diverse coverage of Third World issues within the B.A.R.

In order to clarify the issue raised by Mr. Sanders regarding Mr. van Heusden's article in the Vector, Chairperson Lyon stated that the quote attributed to her that ends the article bears no relationship to anything that she has ever said.

Director Mickins questioned Mr. Sanders on his reporting of Third World issues before the BWMT-SF's report.

Mr. Sanders, whose previous experience has been in non-Gay publications, compared his reporting on Gay people of color to his own coming-out experience, which traces back three years. His awareness of racism was heightened by his move from New York to San Francisco. In comparison to his previous experience, he observed that in San Francisco there exists a profusion of interracial relationships. Through observing a more integrated environment, his standards were raised in a way that made him even more acutely aware of the lack of minority participation and ownership in business establishments throughout the City.

This absence of representation is also sorely apparent in the media. For Mr. Sanders, the ability to report the minority news in a

fair atmosphere is made very precious by his awareness of the struggle it has taken to create the position.

Mr. Sanders reported that cases of discrimination in New York which were pursued through the New York chapter of BWMT, the State Division of Human Rights, and the New York State Liquor Authority against the Union Club and the Ice Palace (two Gay clubs) resulted in the closure of the bars by the owners.

Commissioner Chung then questioned why those New York Gay establishments went out of business. Mr. Sanders stated that racism is so pervasive that many business owners "... would rather...shut down, than to obey the law". He expressed his hope that San Francisco does not have to resort to litigation as the BWMT-NY had to do in the past.

Commissioner Chung continued his questioning to ask if Mr. Sanders has received as much coverage as he would have liked through his paper. Mr. Sanders responded that the only editing done to his copy is the correction of errors and obvious space limitations. The Bay Area Reporter placed his coverage of the first public hearings as a front page item.

Commissioner Sevilla asked if Mr. Sanders believed his success on the B.A.R. to be characteristic of other industry or business attempts to include more minority employees. Mr. Sanders noted that since his start at the B.A.R. other newspapers, particularly on the East Coast, have made efforts to increase their coverage of Lesbian/Gay people of color. This includes the Washington Blade and the New York Native.

Commissioner Sevilla continued his questioning to probe into the efforts required by Mr. Sanders to procure employment at the B.A.R..

Mr. Sanders responded that through journalism classes taught by the editor of the B.A.R., Paul Lorch, he was able to make a personal contact that helped secure his position on the paper.

Commissioner Sevilla inquired if Mr. Sanders' hiring by the paper was part of a conscious effort made by the paper to bring people of color on staff in a move to represent more of the community. Mr. Sanders said yes, citing a conversation held with Paul Lorch concerning the lack of coverage of Gay people of color displayed by the B.A.R.. Mr. Lorch expressed his feeling that it was time to change this fact. The paper took the inclusion of a minority member as the opportunity to widen the scope of readership and by dealing with other peoples' needs, perhaps increase circulation. Since the time Mr. Sanders has been employed, (June of '83), circulation has increased from 25,000 to 30,000. No advertisers have dropped off, no staff upheaval was observed, and in fact, other reporters are now writing about minority issues.

Edward Martin, individual testimony (pseudonym)

Mr. Martin testified about his personal experiences of employment discrimination. Mr. Martin's background is in education and counseling and he moved to San Francisco in 1978. His previous experience as a waiter, cook, and manager gained at a Gay restaurant in the Mid-West enabled him to be hired as a cook at a large Castro area restaurant. In his hiring interview, he indicated to the management that the majority of his experience was as a waiter and that he would prefer to be transferred into a waiting position if one opened in the near future. A cook makes approximately half the salary of a waiter at this establishment.

Over time he developed an excellent work record with a reputation for good attendance and an ease in working with other employees. During these months he repeatedly inquired into waiter openings. He was not transferred and was given excuses. He was told he was "such a good kitchen worker that replacements would be hard to find." Over the next six months, additional white waiters were hired and new cooks that could have conceivably replaced him were brought on. He went so far as to offer to work as a waiter on his days off, but was denied even this opportunity. Eventually he considered making a complaint to the ACLU. The restaurant learned of his intentions and immediately moved him into a waiter position for two to three days weekly.

He left the restaurant to perform some short term contract work. When he tried to return, he was told by one of the owners that he had an image as a trouble-maker and was placed on a list for future openings and substitutes. This move was surprising to Mr. Martin because he had been called continually to substitute as a waiter, cook and cashier for the establishment, yet was now considered a bad employee. A manager who left the restaurant later reported to Mr. Martin that he had been branded a troublemaker for his efforts to be considered as a waiter.

Other similar experiences incurred by Mr. Martin included calling a newly opened restaurant, Hot-N-Hunky, for a position. Over the phone he was told to come over immediately as the owner was on-site and cooks were needed desperately and with his experience he might be hired on the spot. When he arrived, the owner told him the phone conversation was a mistake, that no openings existed, and he was not offered an application.

An experience at Alfies, a Gay disco in the Castro area, finally convinced Mr. Martin of the widespread extent of employment discrimination against minorities in the Bay Area. He was refused openings in the visible coat check area and given positions in the kitchen. Again, only through threat of a suit was he able to move into a waiting position.

Commissioner Morrissey questioned whether the testifier believed the discrimination stemmed more significantly from the bias of the employer or from the fear of losing patronage from prejudiced customers who would not continue to support an establishment employing minority workers in a visible way. Mr. Martin responded that both reasons were paramount. In his experience, he had seen obvious efforts to hide Black employees -- working them odd shifts and keeping them in service positions -- indicating clear prejudice on the part of managers.

In addition, a very stereotypical image of attractiveness is followed in hiring. He attributed this to the company's wish to present a certain image. Yet in general, when employed as a waiter he often made better tips than co-workers and attributes this to his popularity with customers.

Mr. Martin reported he has returned to the restaurant for a visit. He has viewed the hiring of one Black female cashier, but believes no Black waiters have been hired since then. It is especially shocking because this company is large and owns many different restaurants and establishments in the City.

Commissioner Chung asked Mr. Martin to explore further why he was labeled as a troublemaker, to which the witness responded that it was

because he was insistent. The Commissioner wished to know if any work instability was involved and why, more precisely, employers do not like Black waiters. Mr. Martin responded, again, that a "hot Gay male" is interpreted by many employers to mean being white and muscular and that attractiveness is of prime importance. This is an image that is also picked up in the media: the "image of the Castro clone is always white." Black, Latinos, Asians don't fit this image. Also not included are Lesbians and other women.

Commissioner Sevilla questioned why the witness did not take any legal action. Mr. Martin responded that he had made an inquiry to the ACLU. Minority and non-minority Gay friends advised him not to jeopardize his present job while applying for better professional positions. As a father who pays child support, he felt trapped, without option, in the interest of providing for his children's needs.

Mr. Martin was asked why he felt no large numbers of minority Gay people were attending the hearings. He expressed that they felt that little positive outcome would be established as a result of the hearings. Jobs are not even advertised so it seems to many people of color to be an exercise in futility for them to come to the hearings. Discrimination is "something they have become adjusted to." He asked if it would really make a difference to the Midnight Sun or Badlands if the room were full. The answer, most likely, would be "no."

In response to Commissioner Sevilla's questioning, Mr. Martin offered that if he had any statement to make to bar owners it would be that their estimation of attractiveness is not everyone's and that their value on attractiveness rather than on competency is dehumanizing. Mr. Martin would ask them to give their customers a chance to make a choice about responding to Lesbian/Gay workers of color and to not make the choice for them.

Another fear expressed by employers is that if ethnic minorities are hired then the clientele will change to minority. They are afraid to lose their white clientele. Mr. Martin stressed he would ask them to give it a chance. "There are not enough ethnic minorities to overtake all of their places."

Commissioner Chung noted that if one persisted, as an employee, in challenging the established system, it could result in poor referrals for that individual when they sought new employment. Commissioner Yamakawa asked the testifier if he had experienced the same discrimination in his work since leaving the restaurants, and entering the professional arena. Mr. Martin responded he had not.

When asked for final thoughts on preventing discrimination in the future he said that "...an organization, the Tavern Guild and ...GGBA...should establish a procedure...[to] advertise and select the best qualified employee, regardless of race, sexual orientation or whatever. An employment service to accommodate those not a part of the network would be ideal. As a Gay man, I demand of the straight community that they do not discriminate on certain grounds. And yet in the Gay community,... we're not following the same procedures that we expect others to follow with us." All job notices should be posted, applications handed-out, and interviews given based on competency. Reliance on the "old boy/girl network" is not sufficient.

Commissioner Sevilla suggested an ongoing applicant pool be made available for establishments who need to fill a vacancy quickly or for temporary vacancies. Mr. Martin additionally commented that posting a job vacancy sign would also be helpful.

Commissioner Chung questioned if Mr. Martin's difficulty might have been "over-qualification." According to Mr. Martin, the only

significant issue in relation to hiring is meeting the qualifications of the job. Additionally, he was already employed at the restaurant reported on, one which employed a bartender with a Ph.D. San Francisco is a magnet city for Gay people who come for reasons other than employment and who may give up more professional jobs elsewhere. Additionally, it takes a great deal of intelligence and skill to handle "a section of 30 customers and keep orders going."

Kemit Amenophis, individual testimony

Mr. Amenophis spoke about his difficulty securing a job. As a Black artist, he supports himself with restaurant/clerk work. He used his experience with a Haight/Fillmore Street health store to illustrate his frustration at procuring work. Repeatedly applying for work produced no results until he became extremely bold and direct in addressing a manager. He was employed and placed on probation. During that time he was also asked by a manager if he was Gay. Mr. Amenophis noticed he was not being trained or supervised well, but instead would be told he needed to move faster.

He was eventually fired and presently feels he was not given the same opportunities as co-workers in training and evaluation. It was his belief that he was discriminated against, as he was as quick as his co-workers and that only one other worker, out of ten, was a person of color.

In closing, he stressed that his point made to the manager that it would be good public relations to employ minority workers in a minority neighborhood got him hired. But, once employed, he was under unusual pressure to be more than "top-notch."

In response to Commissioner Lyon, Mr. Amenophis stated that the reason he did not file a discrimination claim at the time of his

firing was his feeling that it was "only that job and (he) could find another." But since his departure, his awareness that only white people have been hired, has increased his wish to see "something done about it."

Commissioner Sevilla questioned Mr. Amenophis about his employment experiences. He described a pattern where he often applied to gay businesses but "[have no] success... they just accept my application and I never hear from them."

Commissioner Yamakawa asked Mr. Amenophis if he had experienced similar discrimination in a variety of service fields in non-Gay owned businesses. Mr. Amenophis replied that "I've experienced some slight... discrimination in other areas, but I think it's really unusual, the amount of discrimination in the Gay businesses, because I would think...[that] my employer [would] understand that I was Gay."

Tom Horan, individual testimony

Mr. Horan spoke again with the intention of reiterating points that had become clear to him throughout the process of the hearings. Mr. Horan described further the personal impact he feels, as a white man, of the situation of discrimination. In his vast experience within the civil rights movement in the early 60's, the women's movement, and as a Gay activist, he has never felt "as powerless to deal with a situation that has confronted [him] as [he] feels about the situation... that's being outlined here."

For example, he felt powerful enough, while employed as a school teacher to testify before a Board of Education in another city when a motion had been introduced stating that public advocacy of homosexuality be considered grounds for dismissal under the moral turpitude clause. Only hours before, he had advocated for Gay rights in front of the state legislature and was broadcast on the news. He

was able to block a second to that motion because the Board knew "they would have had 550 teachers on the line the next morning."

Mr. Horan's move to the Bay Area was based on his desire to continue his social justice activism in a more supportive environment. He had hoped that "enlightened Gay people would be more supportive [and less oppressive]." He found this not to be the case. "Until they are forced to change...there is going to be violence... There are no more peaceful means...there will be pickets on the street."

Hank Wilson, owner of the Ambassador Hotel

Mr. Wilson expressed support of the Commission's attempt to raise the issue of discrimination. He described a personal hesitancy to fill out the survey questionnaire because of questions asking for data on staff. He thought the survey should have taken into account not just current employment, but employment patterns over time.

Mr. Wilson called for an operative community process to set up a mechanism for equitably advertising and filling vacant positions. He personally is unable to advertise a position in the window of his hotel because the neighborhood has a high alcohol/drug use problem which can present difficulties. What he wants to see implemented is a pool that can be called upon quickly by an employer who hasn't large resources to use for hiring purposes.

Mr. Wilson was able to give insight into his view, as an employer, of the "old boy/girl network." He felt a primary motivation for its continuance is reasons of security and suggested bonding as a remedy to address this fear. A referral agency, where employees are screened, perhaps could suffice and would be a good idea. This could be administered through GGBA, Tavern Guild, BWMT-SF, or a comparable community agency.

In his opinion, to rely on the goodwill of the small business person to not discriminate will not achieve affirmative action. To overcome the "old boy/girl network," which has at its heart the aspect of convenience, will take planning. Staff development must also take place to support introduction of minorities into a previously unintegrated environment. Mechanisms must be available to address unanticipated problems that arise. The major point is that there will be problems, but the community must take the first steps to implement affirmative action.

Commissioner Morrissey inquired into the job opening opportunities within the community and job turnover rate. Mr. Wilson confirmed that many of the establishments, which are often service-oriented, have a rate of change that can be as much as 50% on a yearly basis.

Commissioner Sevilla queried Mr. Wilson about why many businesses in the Lesbian/Gay community did not participate in these hearings and whether he felt it was indicative of future directions of cooperation to be expected from the community when implementing changes in employment patterns. Mr. Wilson drew attention to the complexity of the problem and said there is much fear. He felt there must be more "spotlighting" on specific problems, including pickets similar to one against Alfies disco five years previously. The major point emphasized by Mr. Wilson is that the issue must be approached not from the extreme of either side, because the risk of losing the people of goodwill is too large.

Commissioner Sevilla pointed out that the Lesbian/Gay community finds it easier to rally around an identifiable issue, such as the Briggs initiative or AIDS, rather than racism. He believed this is because there are people who don't feel the problem exists.

Therefore, the proving of the existence of discrimination is a major purpose of these hearings. In addition, it is the small efforts of individuals and groups in the community that will eventually act to impact the problem.

Mr. Wilson extended his hope that changes will occur. He further asserted that monitoring needs to continue after the initial efforts of change are made. A baseline of data must be originally laid and then viewed over time to see if improvements are made. The media must additionally be used.

Commissioner Yamakawa inquired into Mr. Wilson's experience of staffing patterns in his five years as an employer. Using outreach sources ranging from word of mouth, applicants from the street, and State employment services, Mr. Wilson has found that "the most stability occurs when people have allegiance to other people." When considering a mechanism to encourage employers to risk employing new staff, having an agency which pre-interviews people and which individuals feel on allegiance to seems to make sense.

Commissioner Chung questioned how Mr. Wilson evaluated employees. Mr. Wilson replied that sometimes staff compatibility takes precedence over those with good skills. Stability is important also.

Diane Christensen, Community United Against Violence (CUAV)

Ms. Christensen spoke about her experience as Director of CUAV, a position she has held for two years. Her staff numbers four and will increase shortly to six. Advertising is placed primarily in the Lesbian/Gay press and women's community press along with 20 to 30 job announcements sent to various social service agencies, half of which are Third World.

The present outreach effort does not work well for her agency because fewer than 5 to 10 percent of the people who have applied have been Third World. The hearings have been valuable for her and she reported hope that an additional outcome will be improved recruiting guidelines and the development of an employee pool.

Commissioner Sevilla probed into the type of agency that CUAV uses to gain referrals from; asking if it would have to be Gay or City-sponsored. Ms. Christensen acknowledged to the Commissioner that her advertising is done primarily in the Lesbian/Gay press but this tends to run a risk of not appealing to minority communities.

Commissioner Yamakawa noted that many non-profit agencies often are not in the position to bear the cost of paying for the convenience of screening and referral from a private employment agency. Ms. Christensen noted that there are private employment services, such as Advocates for Women, which is subsidized by the government and private fund raising and does not charge employers. They have existed for ten years.

Commissioner Morrissey interrupted to emphasize that many businesses use employment agencies for efficiency, therefore providing a cost-saving factor. Ms. Christensen pointed out there is no room in her budget for that expense.

At this point, Ms. Winnow established that this was the final speaker.

Chairperson Lyon noted that evaluation of presented information will result in issuing a written report with recommendations and solutions from the Commission. She noted that these would hopefully be issued in the spirit of good will and if the Commission is unable

to mediate or conciliate and make change, an option remains of requesting the Department of Fair Employment and Housing to come into the issue.

Commissioner Sevilla felt convinced that as a community of people, Lesbians and Gay men are increasingly concerned with these problems and will find solutions.

Chairperson Lyon adjourned the Hearings at 9 p.m.

2. Surveys Sent/Surveys Received

In order to solicit a data base on the workforce breakdown of Lesbian/Gay businesses, a workforce survey form was prepared and sent with a letter of invitation to businesses to attend the hearings.

(Please see Appendix for letter and form)

275 surveys and invitations were mailed initially: 97 sent to bars, 31 to restaurants, 3 sent to nightclubs/cabarets, 25 sent to hotels, 8 sent to gyms, 9 sent to bath houses, 102 sent to general businesses (professionals, sales, service shops, banks, newspapers, etc). Although procuring the actual number of Lesbian and Gay businesses was in reality an impossible task, we thought that through the forms we could gain an indication of the minority, women, and caucasian male employees in the workforce, positions held, and through what method the employees were hired. Unfortunately, this was not possible. Out of 275 surveys originally sent, and 600 more mailed to GGBA members after the public hearings, only 29 surveys were returned: Bars (6), Restaurants (1), Private Clubs (2), Professional (7), Sales (3), Services (10). We cannot, therefore, make any statistical analysis. Only three of the businesses invited testified at the hearings.

3. Analysis of Public Testimony

Testimony at the public hearings was heard from organizations -- both community and business--, businesses, and individuals. Testimony from organizations were as follows (in order of appearance): Tom Horan and John Teamer (Black and White Men Together, SF), Jerry Dunbar (Gay American Indians), Norm Nickens (Coalition for Human Rights), Randy Stallings (Alice B. Toklas Lesbian/Gay Democratic Club), Howard Wallace (Lesbian/Gay Labor Alliance), Arthur Lazere (Golden Gate Business Association), A. Billy S. Jones (National Coaliton of Black Gays and Bay Area Black Lesbians and Gays), Jim Bonko (Tavern Guild), Deborah Kelley (Operation Concern), Mike Smith (Quarterly Foundation), and Diana Christensen (Community United Against Violence). Toni Macante (Macante's Bar), Russell Kassman (R. Kassman Pianos and Organs), and Hank Wilson (The Zee and Ambassador Hotels) testified on behalf of their businesses. Jack Dawal, Kevin Wilcox, Lawrence Weathers, James Ivory, Judit Moschkovich, Claver Canfell, Ruth Hughes, Dion Sanders, Edward Martin, and Kemit Amenophis spoke as individuals.

The public hearing testimony documented that the institutionalized racism existing in the outside community also existed in the Lesbian/Gay community, as evinced by the lack of minority employment; differential and illegal hiring practices; the use of the "old boy/girl network" as the primary means of hiring; different treatment in public accomodations and business services; the lack of support concerning racism in the community; attitudes exhibited in the Lesbian/Gay press either through lack of employment of people of color or lack of coverage of issues, using white male ideals visually, or propogation of outright racism; and general invisibility in organizations and the political/public arena. The need for voluntary

affirmative action programs was addressed often. Businesses and agencies practicing an affirmative action program stressed that it was imperative to make a commitment to perform extensive outreach with personal follow-up, and that a speedy hire was not as important as procuring a qualified minority applicant. Businesses expressed their frustration at trying to be a fair employer versus being a competent business person, their lack of knowledge at how affirmative action works, as well as defensiveness to the idea. Business associations reported on the voluntary nature of their organizations, as well as on their impact in making changes happen, e.g. orange juice boycott. Some community activists warned that if voluntary compliance with the HRC public hearing recommendations ameliorating the situation could not be undertaken soon, boycotts and other actions would be called.

With all the outreach and publicity for the public hearings, only 102 persons (including speakers and media representatives), attended both public hearings. This can be thought of in several ways, but is significant in nature. During testimony, it was observed that persons of color were afraid to testify due to retaliation and lack of confidence in any change happening; white people testifying also addressed the issue of retaliation. Therefore, it would not be surprising that people would also be afraid to attend the hearings because they do not want to be seen as "making waves." The fact that the Lesbian/Gay community as a whole, and Lesbian/Gay businesses, associations, and media in particular, have not seen fit to seriously address the concerns of Lesbians and Gay men surrounding racism as a valid issue of liberation and equal opportunity, can be seen as a decided factor in the absence of a large audience participation.

CHAPTER FOUR: FINDINGS, RECOMMENDATIONS/IMPLEMENTATION, MONITORING

1. Findings

The Human Rights Commission, having conducted public hearings on November 7 and 21, 1983 to study the hiring and employment practices of Lesbian/Gay businesses, specifically regarding race, color, national origin, and ethnicity, hereby submits its Findings:

1) That the institutionalized racism existing in the mainstream society also exists in the Lesbian/Gay community;

2) That Lesbian/Gay people of color are under-represented in the Lesbian/Gay business workforce;

3) That applicant pools and apprenticeship programs do not currently exist in the Lesbian/Gay business community to draw qualified applicants from the population;

4) That the hiring practices of Lesbian/Gay businesses are primarily accomplished through the system of an "old boy/girl network";

5) That voluntary affirmative action programs, by and large, are non-existent;

6) That Lesbian/Gay people of color and their allies fear reprisal in their attempts to address unfair employment practices regarding race, color, national origin, and ethnicity;

7) That business associations serving the Lesbian/Gay community have not encouraged minority participation, nor do they have the structures to deal with grievances, nor have they sought to remedy under-representation of Lesbian/Gay people of color in their member businesses;

8) That extensive education on racism and affirmative action and restructuring of business practices for Lesbian/Gay businesses needs to be undertaken;

9) That business associations serving the Lesbian/Gay community have been and continue to be sources of strength for Lesbian/Gay rights in other areas;

10) That Lesbian/Gay-oriented political clubs and community groups need to actively address the issues of racism and affirmative action in their own organizations and in the community-at large;

11) That Lesbian/Gay media do not currently have adequate representation of Lesbian/Gay reporters and staff of color, and issues of race and concerns of minority Lesbians and Gay men are not sufficiently addressed;

12) That Lesbian/Gay people of color feel frustrated at their invisibility and are at the edge of boycotting and taking other strong actions if the issues of racism and exclusionary hiring and employment practices are not addressed and ameliorated;

13) That the Human Rights Commission needs to actively work with the Lesbian/Gay business community, political and community organizations, and media to address, educate, and ameliorate the findings of unfair hiring and employment practices now occurring.

2. Recommendations/Implementation

- A. Business Associations (Golden Gate Business Association, Tavern Guild, Eureka Valley Merchants Association, Folsom Street Merchants Association, Polk Street Merchants Association)

The Business Associations shall continue their good work in the Lesbian/Gay community by recognizing their responsibility and obligation to a community which supports them by:

- 1) Adopting policies, as a criteria for membership, against discrimination on the basis of race, religion, national origin, ethnicity, sex, age, sexual orientation, marital status, disability, or any ordinary non-work related criteria.
- 2) Supporting these recommendations and affirmative action by taking them to their membership with speedy vigor. Previous effective organizing has occurred regarding Anita Bryant, Coors beer, etc. As Phyllis Lyon has said, "It is time to do it for people."
- 3) The Boards of these organizations reserving as a minimum goal 30% minority participation.
- 4) Member businesses posting visible signs made up by their business associations to the effect that their business does not discriminate in employment and public accommodations (patronage) based on the above. (See 1 above)
- 5) Business associations sponsoring logos for display in windows: may be sold for funds for applicant pool.
- 6) Business associations holding workshops for member organizations on:
 - a) racism - in a sensitive, honest environment.
 - b) affirmative action programs.
- 7) Member businesses committing themselves to a master affirmative action program worked out between HRC and their business association. HRC staff and/or consultant will work with them to

effect this program and will help publicize their good work in the media. Various aspects of the program include:

- a) how to do outreach - advertisements, media, people of color organizations/individuals, employment organizations, etc.
 - b) apprenticeship programs and on-the-job training
 - c) qualified applicants
 - d) the program itself
- 8) Business associations creating a bonding system for appropriate jobs.
 - 9) Business associations urging businesses to advertise with Lesbian/Gay media that hire people of color and with Third World media and which print articles pertaining to people of color and are otherwise responsible to issues of anti-racism.
 - 10) Business associations building an applicant pool for permanent, as well as temporary, employment. Not only list both people seeking employment and employers seeking applicants, but actively and expeditiously connect people. Let people/community know this applicant pool exists through advertising and outreach.
 - 11) Advertising and outreaching about current affirmative action and nondiscrimination policies and procedures.
 - 12) Having a newsletter column written by a person of color speaking to issues of race and employment. (This does not mean that only people of color should address race issues nor that that is the only thing they have to contribute). Use your newsletter to advertise openings and people needing jobs.
 - 13) Business associations meeting with minority community organizations for further needs assessment and for follow-up evaluation meetings on a continuing basis.

- 14) Although the business associations are voluntary, they should have a donation drive set up for a part time position and supply funds to effect a comprehensive program.
- 15) Grievance committees within the business associations be set up to deal with complaints of discrimination with viable resolution techniques.
- 16) Complaints of discrimination can also be lodged with the Department of Fair Employment and Housing (DFEH). However, complaints of race discrimination will also be accepted by HRC, if the complainant so desires, under Chapter 12A of the Administrative Code for investigation, mediation and conciliation, and pursued by Lesbian/Gay staff. These complaints will be resolved by including complainants, respondent (business), and business association.

B. Individual Businesses - Either connected with a Business Association or Independent

Individual businesses shall commit themselves to the program of the business association as outlined above. If not belonging to a business association, the business shall commit itself to effecting affirmative action in the workplace, by:

- 1) Building an applicant pool of qualified people and apprenticeships to hire, regardless of race.
- 2) When a new position opens up in the business, actively outreaching to people of color, through the media, through employment organizations, through Lesbian/Gay minority organizations, and through usage of HRC materials.
- 3) Advertising with Lesbian/Gay media who hire people of color and who print articles pertaining to people of color and are otherwise responsible to issues of anti-racism. In

addition, advertising with people of color media that is non-Gay.

- 4) Developing detailed job descriptions for dissemination, which would include a nondiscrimination policy.
- 5) Implementing an affirmative action program.
- 6) Meeting with HRC staff for ideas, information, and implementation.

C. Political Clubs and Community Groups

Political clubs and community groups shall:

- 1) Adopt a statement of support for non-discrimination.
- 2) Actively recruit people of color into the organization/club, not simply for purposes of having these people, but to address their issues.
- 3) The Boards of Directors or Executive Committee reserve as a minimum goal 30% minority participation.
- 4) Make race discrimination a primary concern.
- 5) Address the issue of racism by:
 - a) holding continuing workshops on anti-racism
 - b) participating in anti-racist organizing efforts/forming coalitions with other groups
 - c) holding workshops on affirmative action
 - d) lobbying strenuously the Lesbian/Gay business community and Lesbian/Gay business members to effect voluntary affirmative action programs and fair employment practices
 - e) having a minority-issues related committee within their group.
- 6) Build an employment applicant pool and disseminate information to businesses.

D. Legal Groups

Legal groups shall:

- 1) Provide referrals to lawyers handling race discrimination cases.
- 2) Hold seminars and workshops on job rights.

E. Lesbian/Gay/Women's Media

Media shall:

- 1) Hire people of color.
- 2) Implement voluntary affirmative action programs.
- 3) Have articles depicting people of color and their concerns.
- 4) Not accept ads with regard to race.
- 5) Those businesses that practice affirmative action on an on-going basis should receive reduced rates.
- 6) Publish a yearly list of individual businesses in local media who subscribe to affirmative action practices.

F. Human Rights Commission

The Human Rights Commission shall:

- 1) Assist in setting up affirmative action programs and applicant pool systems.
- 2) Prepare lists and disseminate regarding:
 - a) people of color/Third World organizations
 - b) affirmative action and other technical consultants
 - c) racism workshop leaders
 - d) employment organizations
 - e) non-discrimination policies and penalties of regulatory agencies, e.g. ABC, SBA, etc.
- 3) Publicize findings, recommendations, and helpful material.
- 4) Create informational pamphlets and articles.

- 5) Handle individual complaints of discrimination based on race under Chapter 12A, through the Lesbian/Gay Liaison office. In appropriate cases, refer to Department of Fair Employment and Housing (DFEH) if a matter cannot be resolved or is too difficult.
- 6) Meet with DFEH to establish linkage with Lesbian/Gay sensitive staff who will handle Gay business-related complaints.
- 7) Lend continued technical assistance to business associations, individual businesses, media, and political/community groups.
- 8) Hire a part-time staff person to coordinate and implement these recommendations.
- 9) If no substantial cooperation is seen and no fundamental changes undertaken, the HRC may initiate a complaint with the Department of Fair Employment and Housing and/or the other appropriate authorities, e.g. Alcohol Beverage Control Board.

3. Monitoring

- A. Each business association shall commit itself to monitoring itself and member organizations on a quarterly basis the first year and then on a yearly basis thereafter. This information shall be reported to its membership, the Human Rights Commission, the Lesbian/Gay media, and people of color organizations.
- B. Businesses not associated with a business association shall monitor its progress on a quarterly basis the first year and then on a yearly basis thereafter. This information shall be reported to the Human Rights Commission, the Lesbian/Gay media, and people of color organizations.

- C. The Human Rights Commission shall monitor the progress of commitment on a quarterly basis during the first year; thereafter on a yearly basis and report the findings to the public sector, people of color organizations, the media, and businesses/organizations concerned.
- D. The Human Rights Commission, either in cooperation with Black and White Men Together-SF, or independently, shall conduct periodic follow-up studies to evaluate the effectiveness of the changes suggested and report the findings to the public sector, the media, people of color organizations, and businesses concerned.

APPENDIX

- A Black and White Men Together
- B Letters of Invitation and Lists
- C Workforce Survey Form
- D Flyer for Public Hearings
- E Speakers at Public Hearings
- F Principles of Affirmative Action
- G Non-Discrimination Sign
- H Examples of Voluntary Affirmative Action Programs
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REPORT
OF THE
EMPLOYMENT
DISCRIMINATION
PROJECT

February, 1983



Report of the

Employment Discrimination Project

Black and White Men Together - San Francisco

PREFACE

Black and White Men Together - San Francisco (BWMT-SF) was founded in 1980. It grew out of a desire for Gay men to explore interracial interaction. It soon became apparent, however, that one issue above all else needed to be addressed: racism. While acknowledging that most White people abhor racism, we learned they nonetheless support a society which institutionalizes racism. What this means is that White people control the economic and social power in this country, and they - consciously or unconsciously - pass this control onto other White people. In the process, people of color are excluded.

San Francisco's Gay community, particularly its Gay bar network, is a textbook example of institutional racism. While most White bar owners and managers abhor racism, they nonetheless - consciously or unconsciously - maintain an all-White vigil over their network. This situation is unhealthy, indeed inhuman. It not only victimizes the people of color who are excluded, it degrades the White people who participate in it. Clearly, there must be a change.

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WHY WE UNDERTOOK THIS PROJECT

The investigation of discrimination in employment within San Francisco's Gay community was begun a year ago by BWMT-SF for several reasons:

1. Personal observation followed by surveys of Gay bars revealed that minorities were dramatically underemployed by these bars in proportion to their numbers in the community.
2. Bars are not only the social focus of the Gay community, they are also its most visible commercial element. It seemed appropriate therefore that they be examined.
3. Testimony of minorities who have had (often repeatedly) little success with, or access to, the Gay bar job market suggested that their racial/ethnic heritage may have been a factor.
4. The unavailability of jobs for minorities in our community adversely affects interracial relationships as well as community-wide interracial relations. On an individual level, it affects us all because it perpetuates racism.
5. Gay people, themselves a persecuted minority, traditionally claim a certain sensitivity to the needs of other minorities. Sadly, this sensitivity is rarely put into action.
6. BWMT-SF is a member of the International Association of Black and White Men Together, an organization of some thirty similar groups throughout the country. BWMT-SF's and the I.A.'s statements of purpose are identical: "... to these ends we engage in educational, political, and social activities as a means of dealing with the racism, sexism, homophobia, ... in our communities and in our lives." This statement of purpose compels action.

SUMMARY

"Why are there no Black bartenders?"

From this question, asked hundreds of times by Gay people in San Francisco, has grown a concern about employment practices in our community.

This report examines the implications of that concern. In addition to personal testimony, it contains statistical and causal analysis of the situation faced by racial minorities seeking employment in San Francisco's Gay bars. Concluding that racism is a factor in hiring, it recommends specific, increasingly pointed actions to remedy that situation. It states clearly BWMT-SF's intention to pursue those recommendations as vigorously as required to achieve the elimination of racist employment practices in our Gay bars.

Bruce and Michael are two fictitious men from St. Louis. They are both in their mid-twenties, clean-cut, and attractive. The lure of the good life in San Francisco proved irresistible so they moved here a few months ago. Bruce had been a retail clerk, Michael a teller at a local bank. They consider themselves "people-oriented" and hoped they could find interesting jobs. Bruce is White, Michael is Black.

ANALYSIS OF CURRENT EMPLOYMENT PRACTICES

The population of San Francisco in 1980 was 678,974. Of these, approximately 48% were White, 21% Asian/Pacific Islanders, 12% Black, 12% Hispanic, and the remaining 7%, 'other.' Since there is no reliable data on the sexual orientation of these people, it seems reasonable to assume that the same racial/ethnic figures would apply to the estimated 25-40% of San Franciscans who are Gay.

BWMT-SP surveyed bars in the San Francisco Gay community twice in 1982. The first survey was carried out February 5th. 99 bars were examined by teams of two members each, and of the 300 employees visibly on duty that night, 5% were Black, 3.4% were Latino, and 0.6% were Asian - a total of 9%. Most of the Black and Latino employees worked in bars patronized almost exclusively by Blacks and Latinos; only two Blacks and one Latino were employed in bars that were racially well-integrated or patronized predominantly by White people. The results of this survey were widely publicized in the local Gay press.

The second survey was conducted nine months later to see what change, if any, had come about. 96 bars were examined (largely the same ones - a few new ones to replace those no longer in business). There were 306 employees visibly on duty that evening and only 33 of them were non-White (10.8%) - the same dramatic contrast to a population which is more than 50% non-White. (Details of both surveys are found in the Appendix, p. 9.)

Through a friend, Bruce met Frank, the owner of a Castro bar, and asked him about the possibility of work. Frank didn't have any openings, but he took a liking to Bruce and told him that as soon as something came up, he'd let him know. Sure enough, a couple of weeks later, someone quit and Frank gave Bruce a call. Bruce had been watching bartenders at work and, after a reassuring word from Frank, seemed convinced he could handle the job.

Michael's story is a bit different. He too had thought it would be nice to work in a Gay bar. Making people feel welcome was one of his skills. Through some White friends, he too met a few bar owners. But he didn't have much success. The first one told him there were no openings - and he didn't know when there would be. The second one seemed a little more hopeful. He asked Michael to fill out an application. Nothing ever came of it, however. A few weeks later, Michael happened to notice a new White bartender there, but he figured maybe the guy had had an application on file before him. The third one told him that he hired only experienced Gay bartenders - he didn't really have the time to train anyone. The fourth owner was even cooler. He suggested Michael try the Tenderloin where he might feel "more at home with his own people." By the end of the first week, Michael had applied to some 40 bars, but with no success. He also checked out the Gay papers, but there didn't seem to be any help-wanted ads for bartenders.

The following week Michael went to a meeting of the Tavern Guild. It was held in a bar South of Market, and the atmosphere was quite party-like. Everyone there was drinking and having a good time. He'd been told that guys looking for jobs were welcome to attend meetings, and that maybe a connection of some sort could be made. Michael couldn't help notice, though, that all the bar owners present were White, and that they seemed to be 'connecting' only with the best-looking White guys.

Michael's beginning to wonder how people of color find employment in San Francisco's Gay bars.

OPTIONS FOR ACTION

1. Publicity.
2. Low-key negotiation.
3. Community involvement.
4. Legal action.

EVALUATION OF OPTIONS

1. Publicity:
 - a. In February, 1982, BWMT-SF conducted its first survey of San Francisco's Gay men's bars and released the results to the Gay press. The press reported the story of the bar survey, but initiated no followup.
 - b. There was no measureable reaction from the Gay 'establishment'.
 - c. Individual reactions varied. Most people agreed with our observations, but doubted that voluntary change would occur.
2. Low-key negotiation:
 - a. The survey was taken again eight months later. There was no significant change.
 - b. The results of both surveys were taken to the Tavern Guild. A meeting was held with the officers of the organization. They seemed supportive, and arranged for our appearance at their November membership meeting at which time a formal presentation was made. During that meeting BWMT-SF appealed to the Tavern Guild to join us in addressing the issue. As of February, 1983, there has been no further response from the group.

Therefore:

- c. A press conference seems to be the next step toward the beginning of an aggressive informational campaign.
 - d. Community alliances would be sought, both with other groups and individual community leaders. Racism in the Gay community would be brought "out of the closet."
 - e. The issue would be taken to "the people" in the belief that the average Gay person is opposed to discrimination in any form.
3. Community Involvement:
 - a. Action could begin with informational leafletting and picketing.
 - b. Short-term boycotts of selected bars could follow.
 - c. Media coverage would be expanded to include the non-Gay press and the national Gay press.
 4. Legal action:
 - a. Complaints would be lodged with the Alcoholic Beverage Control citing underemployment of minorities in specific bars. Since racial discrimination in employment is illegal in all jurisdictions, appropriate municipal, state, and federal agencies would be approached for possible prosecution.

RECOMMENDATIONS

- I. That BWMT-SF pursue the negotiation option until July 1, 1983.
- II. That the Employment Discrimination Project Committee of BWMT-SF prepare for membership approval by June 1, 1983 a detailed plan for implementing the community involvement option on or about July 1, 1983.
- III. That the Committee research the legal option, but initiate no legal action until directed to do so by the membership.

STATEMENT OF COMMITMENT

The Employment Discrimination Project of BWMT-SF has, from its inception, sought to act in such a way that people of good faith have full opportunity to demonstrate it. Our goal has been the resolution of a problem that, in our hearts and minds, we knew existed. We have not, however, allowed that knowledge to blind ourselves to the obligation to offer evidence of racial discrimination in employment in the Gay community to those not fortunate, perspicacious, or interested enough to recognize its existence.

We have demonstrated in this report that discrimination in employment existed in Gay men's bars in February, 1982; and that there was no discernible improvement by the end of October. We continue to forbear, and strive to find a resolution amicably in private negotiation within this, our Gay community. We have no desire to demonstrate to the non-Gay community that Gays do indeed live in glass houses - we could write an editorial for the Chronicle, but we don't wish to read it.

We are patient but not foolish: we will no longer accept the statistics of minority underemployment in Gay San Francisco. Without anger, without recrimination, but without a single doubt in our minds we state that change will occur. And when that happens, every one of us will indeed have overcome.

APPENDIX: SUPPORTING MATERIALS

A. Summaries of the Two Bar Surveys.

1. Number of bars surveyed: 99 (Feb., 1982), 96 (Oct., 1982).
2. Number of employees visibly on duty: 300 (Feb.), 306 (Oct.)
3. Number of non-White employees: 27 (Feb.), 33 (Oct.)
4. Non-White racial/ethnic breakdown:

White -	273 (Feb.),	273 (Oct.)
Black -	15,	21
Latin -	10,	6
Asian -	2,	6

B1. Personal Testimony: Elinas Jenks

My name is Elinas Jenks. I am a Black Gay man. I lived in San Francisco during 1981-82 and tried getting a job as a bartender in a Gay bar, but had no luck. I moved to San Francisco from Washington D.C. where I had worked as a bartender. I attended bartender's school for two weeks, brushing up on my skills, and then went out to get a job. I asked at three different bars (the Pendulum, the 181, and the Alamo Square Saloon), until it dawned on me that I probably couldn't get a job in a Gay bar. At only one place was I given an application (Alamo Square); the other two said they didn't take applications. All three said there were no openings, but I could keep calling back if I wanted to. I did for awhile. Then the bartending school put me in touch with a straight bar in the Ocean Avenue district where I got a job. I worked there until the place folded, and then decided to move back to D.C. because there were no prospects for further work in San Francisco. Signed.

B2. Personal Testimony: Kevin Wilcox

My name is Kevin. I'm a Gay Black man, 25 years old. In the Summer of 1982 I moved to San Francisco from Chicago where I'd had three years experience working in Gay bars as both a bar boy and bartender. During September and October, 1982, I applied for jobs in several San Francisco bars: the Arena, the Pendulum, the Eagle, Badlands, the Ambush, Alfies, and the Detour.

At the Arena, I was told to come back the next day and complete an application. When I returned, I was handed a form, told to fill it out, and return it with a photograph of myself. I had some pictures taken and returned the application a couple of days later. I was then told there was nothing available, but that I could check back. I've been doing so ever since, but have always been told that they weren't hiring. Meanwhile I've noticed two or three new White employees.

At the Pendulum I was told that they don't take applications and that there were no openings. Nevertheless I left my name and phone number and they said they would call if anything came up.

I've never been called, but I notice that new faces occasionally appear behind the bar, usually as substitute or temporary bartenders. All of them are White.

At the Eagle I was told to come back the next day and complete an application. When I returned as directed I was told they weren't taking any more applications.

I heard the same story at the Badlands - they weren't "anticipating" any openings. I've seen two or three new bartenders there in the months since. They are all White.

At the Ambush I was told that they don't use applications. I left my name and phone number, but have heard nothing since.

The manager at Alfies told me they were not accepting applications at that time. I checked back a little later and was told the same thing again. [Editor's note: In canvassing bars during the 2nd survey in October, a representative of BWMT-SF was told by Alfies' manager that they were hiring. This was during the same week that Kevin applied for a position and was told they were not accepting applications.]

The manager of the Detour also told me they weren't hiring. I did not ask for an application, but instead left a flyer with him. (It struck me after awhile that since so few bars seem to accept applications, maybe it would be wise to have some flyers made up. I did so and left them at almost every bar in town. I also placed an ad in the *Sentinel*. I have never received a call from a prospective employer.) Signed.

[Editor's note: several members of BWMT-SF have heard the owner of one of the above-mentioned bars 'lament,' "We can't seem to find any qualified Blacks."]

B3. Personal Testimony: Lee Middleton

While unemployed during February, 1982, I was advised by a former co-worker who was then employed by Badlands to apply for a job there - there were positions available. In following up on this lead, I was told by the manager of the bar that "nothing was available." My name and phone number were accepted, but an application was not offered. Several weeks later, while visiting Badlands, I noticed several new employees (all White). At that time I confronted management about available positions. The response was, "You mean to tell me a good-looking guy like you can't find a job, or are you just being choosy?" He again requested my name and phone number and asked if I had filled out an application. I reminded him that none had been offered before. It appeared to me that management had no intention of giving me an application in the first place - or of hiring anyone of color. (I am Black). Signed.

B4. Personal Testimony: Lawrence A. Weathers

My name is Lawrence A. Weathers. I am a Black Gay man. I am 27 years of age. I am a native of San Francisco and a veteran of the United States Navy.

During the period August 1974 through October 1977, I worked as a bartender at the hotel/tourist attraction, the Queen Mary, in Long Beach Harbor; and at the Haven and Ripples, two Long Beach Gay bars.

I myself am a big "little person" in the local Gay community. I go to functions and frequent many of the bars in the City. I have tended bar at the CMC Carnival in past years. I have applied at a number of Gay bars for employment as a bartender, including the Pendulum, Badlands, and several South-of-Market bars. Wherever I have applied, I have been told that I would be considered when there was a position available. I have never been asked to come in for a tryout and, as far as I know, I have never even been considered for a position although I am well-known by many bar owners and managers.

The years of applying for positions have been very defeating because I have seen and been in these establishments when they (owners and managers) have hired new bartenders (always White) - while I was "being considered."

I was raised to believe that, when applying for employment, you should be qualified before submitting an application. Then, upon consideration, the job should go to the best qualified. My qualifications certainly rank with the best, but I get the impression that all applicants are not considered equally. I have given up the idea of being employed in a Gay bar in White Gay San Francisco. Signed.

B5. Personal Testimony: Daniel Alford

In 1969 I attended the American Bartending School in New York City. As a result, I worked for two years at the Exile, a primarily-White Gay bar, and at Better Days, the premier Black disco. These jobs enabled me to pursue my studies (and a career) in design, both in New York and later in Europe (where I continued to bartend for six years without incident.)

In 1976 I joined the U.S. Army, became a Yeoman (secretary) and linguistics student. During my term of service I earned a 4.0 average out of a possible 4.0.

In 1978, when I moved to San Francisco, I sought a job in a door-to-door walking tour of the Castro bars and restaurants - with no success. I was never even offered an application and only once or twice given a semblance of an interview. Later, because two of my roommates were employed by the Duo Restaurant on 18th Street, I was hired there - sight unseen - to wash dishes, with the understanding that I would advance as openings occurred. When a waiter's position opened up, however, the owner told me he expected his sister to move to San Francisco and that he wanted the position for her. Of course, his sister never came and they hired a White person to "fill in." I complained angrily and was fired.

Some notes:

- a) At all places in the Castro where I'd inquired (and in most South-of-Market bars), it was suggested that I apply at the Pendulum (the interracial bar in the Castro).
- b) Several times I was told that I was 'incapable' of 'learning' to be a cashier, a waiter, a doorman, etc. because those specific professions were not listed on my resume.
- c) Another excuse commonly offered was that I had had no working experience in San Francisco itself.

SOME QUESTIONS - AND ANSWERS

1. Why did you select only men's bars? Why not women's?

Most importantly, we are eager to explore the question of women's bars, provided the women wish us to do so. First, though, some background about our process.

We were not at all familiar with women's bars and we felt it might have been presumptuous of us to 'invade' the women's community.

Besides, the real 'power' in San Francisco's Gay community lies with the men's bars and their male owners and managers. The clout of the women's community, economically, is much less significant.

On a more practical level, we could not have conducted our bar surveys so discreetly in the women's bars. They would have wondered, perhaps rightly so, why we were coming in.

Finally, the Lesbian/feminist community has been much more forward-thinking about such issues as racism - it's the men's community that needs its consciousness raised.

2. Why didn't you try to involve women in your process?

We may in the future, particularly if women feel that we have something to offer them.

3. Why did you limit yourselves to the bars - why not Gay businesses?

The bars are, historically, the focus of any Gay community. While there are substantial alternatives in San Francisco, the bars are nonetheless still the most visible social element of our community.

The bars also have a tradition of being in the forefront of liberation. We'd like to see that tradition revived.

4. Why only racism? Why not sexism, ageism, etc.?

We're aware that racism is not an isolated issue. In fact, it's often found in connection with sexism, ageism, ableism, heterosexism, etc. Because of the nature of our group, we were most concerned about racism. We don't dismiss the other "-isms," and indeed welcome input on these problems from others.

Additionally, we think that debate over which "-ism" is the most significant can be counter-productive.

5. What sacrifices do you expect these small businesses to make?

we don't want to see them make any 'sacrifices.' Is it a sacrifice to make oneself more sensitive to the needs of the community one serves? On a practical level, we expect that any business - large or small, Gay or non-Gay - reflect accurately the ethnic makeup of its community in terms of employment. We expect employers to follow not only the letter, but the spirit, of the law.

Some of San Francisco's larger Gay bar complexes - and chains - are larger than "small businesses." There is one corporation which owns four major Gay businesses. They must have at least 50 employees. As far as we've been able to determine, however - beyond dishwashers and and perhaps janitors - there is not one person of color in a visible position of employment.

6. Just what would you be satisfied with?

A spectrum of visibly-employed people which accurately reflects the multi-racial, multi-ethnic makeup of our community.

7. Does that mean quotas?

Not necessarily. We don't wish to pre-empt employers' responsibilities in determining solutions themselves. After all, the problem is, in a sense, their problem - just as sexism, say, is a male problem.

8. Do you think you can get anywhere without resorting to the legal option?

We'd like to think we could. Once employers admit there's a problem, they're halfway home. Just because we all were brought up in a world that says people of color are somehow "less" doesn't mean we have to continue owning that belief. (Most of us had to go through a change in attitude about homosexuals when we became aware of our homosexuality. Why can't we go through the same change being made aware of our racism?)

9. Are you prepared for the legal route? The expense?

Yes. From what we've learned so far, government agencies - particularly the ABC (Alcoholic Beverage Control) - are well-equipped to handle complaints. Again, we'd prefer that it not come to that. We'd prefer that the powers-that-be correct this problem within our community so it won't have to be taken outside.

10. How was the survey conducted? Do you think it was scientific enough?

Two-man teams - one Black, one White - went to every Gay men's bar in San Francisco between 10 pm and midnight on two Fridays, one in February, 1982, and one the following October. They observed what appeared to be the employment practices of these bars. Visibility is a big factor because we believe that people in

bars are often hired because of their visible "attractiveness" (or not hired because of their visible "unattractiveness"). We believe race has been a big factor in determining whether or not someone is visibly "attractive" - and therefore whether or not they are hired. This is not only illegal, it's inhuman.

11. What specific actions would you expect the bars to take?

Please understand, bar owners and managers have created and maintained a racist policy in hiring. It is therefore their problem. It is presumptuous of us to tell them how to solve their problem.

However, we're more than willing to help them in whatever way they would like. When we addressed the Tavern Guild last November, we offered our help. Unfortunately, they not only did not take us up on our offer, they apparently have taken no action on their own to correct the situation.

If you're asking for specific ideas, we might look to the various solutions that have been used in the non-Gay world: affirmative action, open hiring, on-the-job training, etc.

12. What do you say to bar owners who say, "We can't find qualified Blacks."

There is no doubt that there are some well-meaning bar owners and managers who, seeing the injustice of the present system, would perhaps wish to hire a person of color. Unfortunately, the 'Old Boy' network prevents this. How is a Black person to learn about a job when there is no public mention (either through a sign or a newspaper ad) of the job. Virtually all bar owners are White. Presumably, most of their close friends and professional contacts are also White. (Even if you're a Black or female bar owner or manager, most of your professional Gay contacts are going to be White men because the Gay community is run primarily by White men.) Given this network, what is the likelihood of a Black person hearing about a job before it's long gone.

Besides, the case histories in our report detail fair attempts by Black men to crack this network - to no avail.

13. What about non-Black minorities? How would you feel if the bars hired them instead of Blacks?

We don't know of such a situation occurring anywhere else in the civil rights struggle, so we'll address such a 'theoretical' circumstance if it happens. It's counter-productive to be drawn into conflict with other victims.

14. How did you arrive at your population estimates?

When the U.S. took its census in 1980, pressure from Latino/Hispanic groups forced the Census Bureau for the first time to take a separate count of people of 'Spanish Origin.' Unfortunately, the Bureau would not go so far as to recognize them as a separate culture distinct from other 'races,' so those who

indicated they were of 'Spanish Origin' were then directed to choose one of the five racial categories (White, Black, Asian/Pacific Islander, American Indian/Eskimo/Aleut, and 'other'.) Surveys have shown that many people of 'Spanish Origin' would have preferred to be known that way, and that way only - without having to identify with an additional race/culture. Many chose 'other', but many also chose 'White'. This tended to inflate the 'White' figures in areas heavily populated by people of Spanish Origin who don't really consider themselves 'White' - and are certainly not treated 'White'. So population figures in these circumstances have to be 'interpreted.' We interpreted San Francisco's figures conservatively.

15. You complain about racism, but isn't BWMt itself a form of racism?

We don't claim to be any less racist than other people. In fact, we struggle with these issues continually because they play such an important part in our personal lives. As to why we're sexually attracted to a person at any given time, we probably can't tell you any more than you can tell us. The result is what counts - how people's lives are affected by racial prejudice. When people are unable to find work because of racism, we think that's an important concern.

16. How would you define racism?

Most commonly it's defined as "prejudice with power behind it" (which puts it in perspective - a prejudice without power, or effect, isn't of much practical concern.) The National Education Association, in its treatise Education and Racism (1973) defines it more compellingly:

Who is a racist? All white individuals in our society are racists. Even if a white is totally free from all conscious racial prejudices, he remains a racist, for he receives benefits distributed by a white racist society through its institutions. Our institutional and cultural processes are so arranged as to automatically benefit whites, just because they are white. It is essential for whites to recognize that they receive most of these racist benefits automatically, unconsciously, and unintentionally.

Is there a white person who does not benefit from being white? And is there a person of color who is not victimized by whites because of color?

17. Isn't the Gay community primarily white, and shouldn't it therefore be served primarily by whites?

Not unless Gayness is somehow a white trait. Remember, more than half the residents of this city are people of color. We have to assume the same percentage of them are also Gay men and Lesbians. But if we won't employ them in our bars and other businesses, how visible can they be?

18. Won't your actions only serve to divide the Gay community and make us less acceptable in the eyes of non-Gays?

The question is who did the dividing in the first place. People of color did not ask to be excluded from employment. White bar owners and managers excluded them and therefore divided the community. We're only pointing that out. Should we continue to tell people of color that we'll deal with racism only when we've achieved our Gay goals?

19. The economy's so bad right now - don't you think this problem could be better handled in better times?

Yes, it would probably be easier if there were more jobs. The problem would still exist, however, in one form or another - whether in basic hiring or seniority, or some other measure of the quality of employment.

20. What do you say to the bar owner who says he has a right to control his own image by hiring those who will fit it?

We agree with him - but not at the expense of victimizing people (including, ultimately, himself). Also not at the expense of the law.

21. We thought BWMt was designed as an alternative to the bars - why are you bothering with all this?

Because it's immoral - clear and simple.

22. Are you out to 'get' the bars - to interfere with the free enterprise system?

We're not out to interfere with anything. Our greatest joy would be to have the bars correct the situation overnight so we could occupy ourselves with other matters.

23. Why aren't you more militant about this - why not go to the bottom line and do your picketing and legal action right away?

We believe in fair and human process. We believe that most people, given the chance, would admit a mistake and correct it. We hope the 'establishment' will do just that. If we were to ignore process and behave unfairly, people of color would be the targets of retaliation.

24. Aren't you really doing a disservice to Blacks and other minorities by encouraging them to be bartenders instead of something with more of a 'future'?

It would be nice if everyone could grow up to be a doctor,

or lawyer, or teacher. Unfortunately, life's not like that. That's not the issue anyway. We're hearing that several Black men have tried to get jobs as bartenders, and that racism has prevented that.

25. Are you advocating the bars be unionized?

Not at all. Unions have their own terrible history of racism. However, they seem to be in the forefront these days of breaking down barriers. If it were the only way to correct the problem, then perhaps unions would be the answer. We don't think, at this stage, that they are necessarily the answer.

26. What about Black bars where Whites get hassled?

In what percentage of the bars in this city is that happening? Again, it's a question of degree - of power and its effect.

27. Why are the words 'Black' and 'White' capitalized in your report?

Out of respect. It's an acknowledgement of a distinct culture. Ebony and Jet magazines capitalize these two words when referring to race. (We've also capitalized 'Gay' and 'Lesbian' for the same reason.)

28. Your survey shows several people of color actually employed in bars: roughly one out of ten. Isn't that an indication that someone is being hired?

You're right, the figures are misleading. If indeed, every tenth person or so throughout the Gay bar network were a person of color, then perhaps we'd have cause for hope. Unfortunately, the figures don't reveal patterns. As our report points out (p. 5), people of color are employed predominantly in minority bars, thus making the "10%" seem bigger than it really is. If we set aside for a minute those few bars (four or so) that cater to minorities - and also heavily employ them - we're left with a pattern of racial exclusion that is much more dramatic than the figures indicate. In the entire Castro, for instance, there is only one person of color visibly employed at present. So while employment of people of color, statistically, may be something like 10%, in reality, the figure is even worse when you examine major sections of the community.

UPDATE: THE TASK FORCE

On the evening of May 12, 1983, 55 persons representing more than fifteen groups, met at the request of BWMT to form a community-wide 'committee of conscience' to address racism (the name Task Force Against Racism in the Lesbian/Gay Community was formally adopted at the next meeting). The group drafted the following statement:

This Task Force is founded out of the recognition that racism exists within the institutions of the Lesbian and Gay community of San Francisco. Our purpose is to devise, develop, and implement strategies which will eliminate this problem, as well as problems of sexism, ageism, and ableism. We will focus initially on employment practices in bars, but an additional function of our work shall be to broaden that focus to address related issues.

Committees were formed to discuss Remedies, Publicity and Finance, Organization, Employers, and Related Issues. These committees and the Task Force as a whole continue to meet today. For further information, write:

Task Force on Racism
c/o BWMT
2269 Market #199
San Francisco CA 94114

September 8, 1983

To: The Human Rights Commission, San Francisco:

From: The Task Force On Racism In the Lesbian/Gay Community

The following is a summary of B.W.M.T.'s (Black and White Men Together) and the Task Force's attempts to engage Gay businesses in a dialogue about the issue of racism in employment in our community.

March, 1982 - B.W.M.T. released the results of its first survey of employment of minorities in Gay men's bars. Bar owners and managers were invited informally to address the issue of the dramatic underemployment of people of color. There was some publicity in the Gay press but no significant response, formally or informally, from bar owners and managers.

October, 1982 - A second bar survey was conducted and compared with the first. The results showed virtually no difference. This time B.W.M.T. contacted the Tavern Guild in hopes of opening a dialogue. An initial meeting was held with the Guild's executive board. They were receptive and agreed to arrange for a more formal presentation before the membership at their November meeting.

November, 1982 - A four-person team from B.W.M.T. made a formal presentation before the Tavern Guild at its monthly meeting at the Endup Bar. Formal feedback was solicited. While there was some discussion during the meeting, the Guild made no move toward continuing the dialogue.

December, 1982 - A letter was sent to the Tavern Guild (see attached) reminding them of the two meetings and asking once again that a dialogue be opened. Again, there was no response.

February, 1983 - The Employment Discrimination Report (E.D.P.) was issued. There was no substantive response from owners/managers of Gay businesses. It was then determined to establish a community-wide Task Force.

April, 1984 - The first meeting of the proposed Task Force was scheduled for May 12th. Individual letters and copies of the E.D.P. were sent to almost 100 Gay businesses. Owners and managers were invited to participate in the formation and functioning of the Task Force (see attached). It was stressed that the issue should be resolved in "as helpful and non-threatening a way as possible." 55 people representing 15 community groups attended the May 12th meeting. Not one of them, however, was a bar owner or manager. Their silence continues.

Respectfully submitted,

Task Force on Racism in the Lesbian/Gay Community
2269 Market St. #169
San Francisco CA 94114

(415) 621-8078, 864-7363, 863-2674



BWMT-SFBA

Black & White Men Together—San Francisco Bay Area

December 15, 1982

The Tavern Guild
P.O. Box 11309
San Francisco CA 94101

Dear Friends:

We were glad to have met with the officers and members of the Tavern Guild on two occasions these past few weeks. We had hoped for some form of response to the issues we raised in regard to racial discrimination in employment in San Francisco's gay bars, but perhaps the pace of the upcoming holidays has made that difficult.

We wish to stress both our commitment to this project and our concern to handle it in as productive and non-threatening a manner as possible. To accomplish both these goals, it is vital that we have your participation. We look forward to hearing from you.

Sincerely yours,

Black and White Men Together - San Francisco
470 Castro #207-3099
San Francisco CA 94114

563-2443, 863-7053



BWMT-SF Black & White Men Together-San Francisco
470 Castro St., Ste. 207-3099 San Francisco, CA 94114
(415)563-2443 (415)863-7053 (415)861-1831

Dear Bar Owners and Managers,

As you know, BWMT recently released its Employment Discrimination Report on San Francisco's Gay bars. The report demonstrates that there are relatively few people of color visibly employed in these bars. It contends that an 'Old Boy' network prevails in hiring, and that this network promotes and perpetuates institutional racism.

In presenting the report to various Gay community groups, one of the questions most frequently asked is "What does BWMT want the bars to do?" BWMT does not want to tell bar owners and managers how to operate their businesses, but we are compelled to challenge practices which lead to discrimination. Therefore we respectfully ask you to:

1. Acknowledge that the 'Old Boy' network exists, that it is a form of institutionalized racism, and that it promotes and perpetuates racism in the Gay community;
2. Revamp hiring practices in such a way that people of color are fairly informed of employment opportunities and given the chance to apply for positions for which they may be qualified;
3. Initiate voluntary affirmative action policies and procedures where necessary so that employment in San Francisco's Gay bars may more accurately reflect the City's racial makeup;
4. Join BWMT (and the many community groups which have endorsed the Employment Discrimination Report) in forming a 'Committee of Conscience' to work actively against employment discrimination (see enclosed press release).

BWMT reaffirms its willingness to assist bar owners/managers in as helpful and non-threatening a way as possible. We deplore the divisions which exist in our community and are anxious to eradicate them. We look forward to your active participation.

BWMT-SF

Bars Sent Invitations and
Workforce Survey Forms

A Little More
 Alfie's
 Alta Plaza
 Amelia's
 Arena

Badlands
 Baybrick Inn
 The Bear
 Black Feather Bar
 Boot Camp
 Bradley's
 The Brig
 Buzzby's

Cafe San Marcos
 Caldron
 Castro Cafe
 Chaps
 Cinch
 Circle J Video Club
 Club Dori
 Connie's Why Not

Deluxe
 Detour
 Devil's Herd
 Different Strokes
 Duste's

Eagle
 Eagle Creek Saloon
 Elephant Walk
 El Rio
 The Endup
 Esta Noche
 Fanny's Restaurant & Cabaret
 Febe's
 Foghorn
 Folsom Street Club
 Frisco Roy-Al

Gangway
 Gilmore's
 Ginger's
 Giraffe
 Googie's

Hob Nob Lounge

I-Beam
 Images
 Irish Rovers

Kimo's
 Kokpit

Landmark
 Lion Pub

Maud's
 Men's Room
 Midnight Sun
 Moby Dick's

N-Touch
 New Bell Saloon
 Nothing Special

Trocadero Transfer
 Twin Peaks

The Village Pub

Watering Hole
 White Swallow
 Wildside West
 Wooden Horse

Yacht Club



October 6, 1983

Dear Bar Owner:

The Human Rights Commission (HRC) of San Francisco invites you to participate in its public hearings on employment and hiring practices taking place in Lesbian/Gay community businesses, specifically regarding race, color, national origin, and ethnicity. The hearings are in response to a report by the Task Force on Racism based on a survey conducted by Black and White Men Together (BWMT) which investigated allegations of possible discriminatory employment practices in some 99 Gay men's bars. The Task Force on Racism is a coalition of community groups formed in response to the BWMT Survey results. The Task Force requested that the HRC hold public hearings.

The hearings will be focused on, but not exclusive of, for-profit businesses which serve as public accommodations and function as the social base for community members. Therefore, in the best interest of that community, I am sure you agree that, the workforce make-up should be reflective of the community it serves. These businesses include, but are not limited to, bars, restaurants, hotels, nightclubs/cabarets, bath houses, and gyms. Businesses in the areas of sales, professional, service, as well as those in miscellaneous areas will also be asked to take part in this hearing process. For your information, Chapter 12A of the San Francisco Administrative Code, which mandates such hearings, is enclosed.

The hearings will take testimony from businesses, organizations - both business and community based, and individual members of the community who may have been discriminated against or who wish to speak on the issue. We hope to make this a place for people - on different spectrums - to have a chance to speak and air their views. From the hearings, we plan to make recommendations to ameliorate this situation, as well as a report on the hearings. The Human Rights Commission wishes to make it quite clear that these hearings are not intended in any way to infer that discrimination exists solely in the Lesbian/Gay community or that it is endemic to that

Bar Owner
Page 2
October 6, 1983

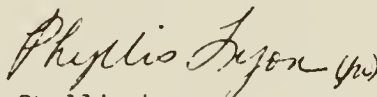
community. The hearings are an attempt to air and mediate a problem that exists within the Lesbian/Gay community, which some members of that community feel need to be addressed. In fact, the Lesbian/Gay community will be able to stand as a role model for other communities to deal with intra-group discrimination issues.

The hearings will be held on Monday, November 7 and Monday, November 21 from 5:30 to 9:00 p.m. in Room 1194 of the State Building, 350 McAllister Street, Civic Center. The first hearing will primarily deal with bars, restaurants, cabarets/nightclubs, and hotels. We are requesting that you or your representative be present on November 7 to testify as to your experience in establishing hiring practices and opportunities, possible plans your business may have to better its workforce diversity, and how the Lesbian/Gay community as a whole may deal with this issue. Each business will have five minutes to make their presentation. The area of "Bars" will be dealt with during the first half of the evening. We invite you to submit your testimony in writing by October 31st if at all possible.

Included with this letter of invitation is a workforce breakdown survey form which we are requesting you complete and return to us by October 31, 1983. Your individual survey will be kept confidential and we are requesting this information for the sole purpose of establishing an aggregate informational base on employment patterns. We need your input as part of the Commission's review of the data base. We appreciate your cooperation in assisting us.

Please contact Jackie Winnow or Eileen Gillis of our office by October 31st to let us know of your intent to attend and make a statement at the hearing and/or send us your written statement, and the completed workforce survey form. Thank you for your cooperation and assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Lyon".

Phyllis Lyon
Chair

PL:JW:pa
Encl/s

[JACKIE]FAAA

Bath Houses Sent Invitations and
Workforce Survey Forms

Animals
Club Baths of San Francisco
Club San Francisco
Hot House Baths
Jack's Turkish Baths
Liberty Baths
Osento
Sutro Bath House
21st Street Baths



October 6, 1983

Dear Bath House Owner:

The Human Rights Commission (HRC) of San Francisco invites you to participate in its public hearings on employment and hiring practices taking place in Lesbian/Gay community businesses, specifically regarding race, color, national origin, and ethnicity. The hearings are in response to a report by the Task Force on Racism based on a survey conducted by Black and White Men Together (BWMT) which investigated allegations of possible discriminatory employment practices in some 99 Gay men's bars. The Task Force on Racism is a coalition of community groups formed in response to the BWMT Survey results. The Task Force requested that the HRC hold public hearings.

The hearings will be focused on, but not exclusive of, for-profit businesses which serve as public accommodations and function as the social base for community members. Therefore, in the best interest of that community, I am sure you agree that, the workforce make-up should be reflective of the community it serves. These businesses include, but are not limited to, bars, restaurants, hotels, nightclubs/cabarets, bath houses, and gyms. Businesses in the areas of sales, professional, service, as well as those in miscellaneous areas will also be asked to take part in this hearing process. For your information, Chapter 12A of the San Francisco Administrative Code, which mandates such hearings, is enclosed.

The hearings will take testimony from businesses, organizations - both business and community based, and individual members of the community who may have been discriminated against or who wish to speak on the issue. We hope to make this a place for people - on different spectrums - to have a chance to speak and air their views. From the hearings, we plan to make recommendations to ameliorate this situation, as well as a report on the hearings. The Human Rights Commission wishes to make it quite clear that these hearings are not intended in any way to infer that discrimination exists solely in the Lesbian/Gay community or that it is endemic to that

Bath House Owner
Page 2
October 6, 1983

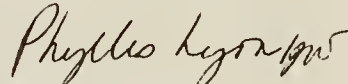
community. The hearings are an attempt to air and mediate a problem that exists within the Lesbian/Gay community, which some members of that community feel need to be addressed. In fact, the Lesbian/Gay community will be able to stand as a role model for other communities to deal with intra-group discrimination issues.

The hearings will be held on Monday, November 7 and Monday, November 21 from 5:30 to 9:00 p.m. in Room 1194 of the State Building, 350 McAllister Street, Civic Center. The second hearing will primarily deal with bathhouses, gyms, and business in sales, professions, etc.. We are requesting that you or your representative be present on November 21 to testify as to your experience in establishing hiring practices and opportunities, possible plans your business may have to better its workforce diversity, and how the Lesbian/Gay community as a whole may deal with this issue. Each business will have five minutes to make their presentation. The area of "Bath Houses" will be dealt with during the first half of the evening. We invite you to submit your testimony in writing by October 31st if at all possible.

Included with this letter of invitation is a workforce breakdown survey form which we are requesting you complete and return to us by October 31, 1983. Your individual survey will be kept confidential and we are requesting this information for the sole purpose of establishing an aggregate informational base on employment patterns. We need your input as part of the Commission's review of the data base. We appreciate your cooperation in assisting us.

Please contact Jackie Winnow or Eileen Gillis of our office by October 31st to let us know of your intent to attend and make a statement at the hearing and/or send us your written statement, and the completed workforce survey form. Thank you for your cooperation and assistance.

Very truly yours,



Phyllis Lyon
Chair

PL:JW:pa
Encl/s

[JACKIE]FAAA

Cabarets and Nightclubs Sent Invitations and
Workforce Survey Forms

Fanny's Restaurant and Cabaret
Plush Room, Hotel York
Valencia Rose



October 6, 1983

Dear Nightclub/Cabaret Owner:

The Human Rights Commission (HRC) of San Francisco invites you to participate in its public hearings on employment and hiring practices taking place in Lesbian/Gay community businesses, specifically regarding race, color, national origin, and ethnicity. The hearings are in response to a report by the Task Force on Racism based on a survey conducted by Black and White Men Together (BWMT) which investigated allegations of possible discriminatory employment practices in some 99 Gay men's bars. The Task Force on Racism is a coalition of community groups formed in response to the BWMT Survey results. The Task Force requested that the HRC hold public hearings.

The hearings will be focused on, but not exclusive of, for-profit businesses which serve as public accommodations and function as the social base for community members. Therefore, in the best interest of that community, I am sure you agree that, the workforce make-up should be reflective of the community it serves. These businesses include, but are not limited to, bars, restaurants, hotels, nightclubs/cabarets, bath houses, and gyms. Businesses in the areas of sales, professional, service, as well as those in miscellaneous areas will also be asked to take part in this hearing process. For your information, Chapter 12A of the San Francisco Administrative Code, which mandates such hearings, is enclosed.

The hearings will take testimony from businesses, organizations - both business and community based, and individual members of the community who may have been discriminated against or who wish to speak on the issue. We hope to make this a place for people - on different spectrums - to have a chance to speak and air their views. From the hearings, we plan to make recommendations to ameliorate this situation, as well as a report on the hearings. The Human Rights Commission wishes to make it quite clear that these hearings are not intended in any way to infer that discrimination exists solely in the Lesbian/Gay community or that it is endemic to that

Nightclub/Cabaret Owner
Page 2
October 6, 1983

community. The hearings are an attempt to air and mediate a problem that exists within the Lesbian/Gay community, which some members of that community feel need to be addressed. In fact, the Lesbian/Gay community will be able to stand as a role model for other communities to deal with intra-group discrimination issues.

The hearings will be held on Monday, November 7 and Monday, November 21 from 5:30 to 9:00 p.m. in Room 1194 of the State Building, 350 McAllister Street, Civic Center. The first hearing will primarily deal with bars, restaurants, cabarets/nightclubs, and hotels. We are requesting that you or your representative be present on November 7 to testify as to your experience in establishing hiring practices and opportunities, possible plans your business may have to better its workforce diversity, and how the Lesbian/Gay community as a whole may deal with this issue. Each business will have five minutes to make their presentation. The area of "Nightclubs/Cabarets" will be dealt with during the second half of the evening. We invite you to submit your testimony in writing by October 31st if at all possible.

Included with this letter of invitation is a workforce breakdown survey form which we are requesting you complete and return to us by October 31, 1983. Your individual survey will be kept confidential and we are requesting this information for the sole purpose of establishing an aggregate informational base on employment patterns. We need your input as part of the Commission's review of the data base. We appreciate your cooperation in assisting us.

Please contact Jackie Winnow or Eileen Gillis of our office by October 31st to let us know of your intent to attend and make a statement at the hearing and/or send us your written statement, and the completed workforce survey form. Thank you for your cooperation and assistance.

Very truly yours,



Phyllis Lyon
Chair

PL:JW:pa
Encl/s

[JACKIE]FAAA

General Business Sent Invitations and
Workforce Survey Forms

A Cut Above Castro
Suzanne W. Abbott, Att. at Law
Adonis Video
The All American Boy
Richard Andrews, MD
The Apartment Store
Duke J. Armstrong, Law Offices
Atlas Savings & Loan

Bacci & Bacci, Law Offices
Stephen Baker, MD
Richard Barbini, DDS
Mark J. Basch, DDS
Bay Area Reporter
Beales Mainline Gifts
Jerry E. Berg, Law Offices
Bon Appetit Catering
Louis Boncher, MD & Miles Lippi, MD
The Buggery
Bunkhouse Apartments/Hayes Valley Projects

California Voice
Castro General Store
Castro Street Dental Bldg.
Castro Marketplace
Castro Times
Castro Village Wine Co.
Century Theater
Circle J Private Club
City Island Dry Goods
Cole Valley Graphics
Coles & Nakatoni, Law Offices
Coming Up!
Community Rentals
Connection Inc./A Gay Playline

Martin Eldridge O.D.

FoxFire Properties

Gay Area Private Phone Directory
Gay Community Directory
Gay Employment Service
Gramophone
The Great Frame Up
Green Door Books
Greywolf
Roger S. Gross Esq, Law Offices

Fred C. Haeberlin, DDS
Headlines
High Gear
Thomas E. Horn Esq, Law Offices

Jaguar Adult Bookstore

R. Kassman Piano & Organ Stores
Kitchen Privileges

Labyris Auto Repair
Paul Langley Co.
Lenny's Linen Closet
Le Salon
Liquor Express
Locker Room Bookstore

Mailing Mart
Male Image
Mark Tours International
Patrick J. McGraw, MD
Paul B. Miller, DDS

Roger E. Neger, MD
Nelson Personnel Services
Nob Hill Cinema

Old Wives Tales
On The Rack
Peter Osten, DDS
William F. Owen, Jr., MD

General Business Sent Invitations and
Workforce Survey Forms (Cont'd)

Pleasure Palace
Prima Facie
The Professional Development Group
Professional Reproduction & Secretarial Service

Sentinel
Sports Locker
Scott L. Stansbury, DDS
Starnes & Spring, Law Offices
Stokes, Clayton McKenzie
Sutter Medical Group

Take Off
Lloyd Taylor
Terrific Graphics
Travel Specialists of San Francisco
Turk Street News

James L. White, DDS
Walt Whitman Bookstore
Women's Press Project

(Several businesses had two or more addresses and invitations were sent to each address).



October 6, 1983

Dear Business Owner:

The Human Rights Commission (HRC) of San Francisco invites you to participate in its public hearings on employment and hiring practices taking place in Lesbian/Gay community businesses, specifically regarding race, color, national origin, and ethnicity. The hearings are in response to a report by the Task Force on Racism based on a survey conducted by Black and White Men Together (BWMT) which investigated allegations of possible discriminatory employment practices in some 99 Gay men's bars. The Task Force on Racism is a coalition of community groups formed in response to the BWMT Survey results. The Task Force requested that the HRC hold public hearings.

The hearings will be focused on, but not exclusive of, for-profit businesses which serve as public accommodations and function as the social base for community members. Therefore, in the best interest of that community, I am sure you agree that, the workforce make-up should be reflective of the community it serves. These businesses include, but are not limited to, bars, restaurants, hotels, nightclubs/cabarets, bath houses, and gyms. Businesses in the areas of sales, professional, service, as well as those in miscellaneous areas are also asked to take part in this hearing process. For your information, Chapter 12A of the San Francisco Administrative Code, which mandates such hearings, is enclosed.

The hearings will take testimony from businesses, organizations - both business and community based, and individual members of the community who may have been discriminated against or who wish to speak on the issue. We hope to make this a place for people from different spectrums to have a chance to speak and air their views. From the hearings, we plan to make recommendations to ameliorate this situation, as well as a report on the hearings. The Human Rights Commission wishes to make it quite clear that these hearings are not intended in any way to infer that discrimination exists solely in the Lesbian/Gay community or that it is endemic to that

Business Owner
Page 2
October 6, 1983

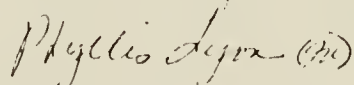
community. The hearings are an attempt to air and mediate a problem that exists within the Lesbian/Gay community, which some members of that community feel need to be addressed. In fact, the Lesbian/Gay community will be able to stand as a role model for other communities to deal with intra-group discrimination issues.

The hearings will be held on Monday, November 7 and Monday, November 21 from 5:30 to 9:00 p.m. in Room 1194 of the State Building, 350 McAllister Street, Civic Center. The second hearing will primarily deal with bathhouses, gyms, and businesses in sales, professions, etc.. We are requesting that you or your representative be present on November 21 to testify as to your experience in establishing hiring practices and opportunities, possible plans your business may have to better its workforce diversity, and how the Lesbian/Gay community as a whole may deal with this issue. Each business will have five minutes to make their presentation. The area of "General Business" will be dealt with during the first and second part of the evening. We invite you to submit your testimony in writing by October 31st if at all possible.

Included with this letter of invitation is a workforce breakdown survey form which we are requesting you complete and return to us by October 31, 1983. Your individual survey will be kept confidential and we are requesting this information for the sole purpose of establishing an aggregate informational base on employment patterns. We need your input as part of the Commission's review of the data base. We appreciate your cooperation in assisting us.

Please contact Jackie Winnow or Eileen Gillis of our office by October 31st to let us know of your intent to attend and make a statement at the hearing and/or send us your written statement, and the completed workforce survey form. Thank you for your cooperation and assistance.

Very truly yours,



Phyllis Lyon
Chair

PL:JW:pa
Encl/s

[JACKIE]FAAA

Gyms Sent Invitations and
Workforce Survey Forms

Always Fit
The Body Center
City Athletic Club
Gold's Gym
Muscle System
Nautilus Body Center
San Francisco Gym
Women's Training Center

City and County of San Francisco

Human Rights Commission

Office of Contract Compliance

Office of Dispute Resolution



October 6, 1983

Dear Gym/Health Club Owner:

The Human Rights Commission (HRC) of San Francisco invites you to participate in its public hearings on employment and hiring practices taking place in Lesbian/Gay community businesses, specifically regarding race, color, national origin, and ethnicity. The hearings are in response to a report by the Task Force on Racism based on a survey conducted by Black and White Men Together (BWMT) which investigated allegations of possible discriminatory employment practices in some 99 Gay men's bars. The Task Force on Racism is a coalition of community groups formed in response to the BWMT Survey results. The Task Force requested that the HRC hold public hearings.

The hearings will be focused on, but not exclusive of, for-profit businesses which serve as public accommodations and function as the social base for community members. Therefore, in the best interest of that community, I am sure you agree that, the workforce make-up should be reflective of the community it serves. These businesses include, but are not limited to, bars, restaurants, hotels, nightclubs/cabarets, bath houses, and gyms. Businesses in the areas of sales, professional, service, as well as those in miscellaneous areas will also be asked to take part in this hearing process. For your information, Chapter 12A of the San Francisco Administrative Code, which mandates such hearings, is enclosed.

The hearings will take testimony from businesses, organizations - both business and community based, and individual members of the community who may have been discriminated against or who wish to speak on the issue. We hope to make this a place for people - on different spectrums - to have a chance to speak and air their views. From the hearings, we plan to make recommendations to ameliorate this situation, as well as a report on the hearings. The Human Rights Commission wishes to make it quite clear that these hearings are not intended in any way to infer that discrimination exists solely in the Lesbian/Gay community or that it is endemic to that

Gym/Health Club Owner
Page 2
October 6, 1983

community. The hearings are an attempt to air and mediate a problem that exists within the Lesbian/Gay community, which some members of that community feel need to be addressed. In fact, the Lesbian/Gay community will be able to stand as a role model for other communities to deal with intra-group discrimination issues.

The hearings will be held on Monday, November 7 and Monday, November 21 from 5:30 to 9:00 p.m. in Room 1194 of the State Building, 350 McAllister Street, Civic Center. The second hearing will primarily deal with bathhouses, gyms, and business in sales, professions, etc.. We are requesting that you or your representative be present on November 21 to testify as to your experience in establishing hiring practices and opportunities, possible plans your business may have to better its workforce diversity, and how the Lesbian/Gay community as a whole may deal with this issue. Each business will have five minutes to make their presentation. The area of "Gyms" will be dealt with during the first half of the evening. We invite you to submit your testimony in writing by October 31st if at all possible.

Included with this letter of invitation is a workforce breakdown survey form which we are requesting you complete and return to us by October 31, 1983. Your individual survey will be kept confidential and we are requesting this information for the sole purpose of establishing an aggregate informational base on employment patterns. We need your input as part of the Commission's review of the data base. We appreciate your cooperation in assisting us.

Please contact Jackie Winnow or Eileen Gillis of our office by October 31st to let us know of your intent to attend and make a statement at the hearing and/or send us your written statement, and the completed workforce survey form. Thank you for your cooperation and assistance.

Very truly yours,



Phyllis Lyon
Chair

PL:JW:pa
Encl/s

[JACKIE]FAAA

Hotels Sent Invitations and
Workforce Survey Forms

Abigail
Ambassador Hotel
Amsterdam Hotel
Anxious Arms
Atherton Hotel

Baybrick Inn
Baywood Motel
Brother Hotel
Bunkhouse Hotel

Caravan Motor Lodge
Civic Center Travel Lodge
Continental Hotel

Essex Hotel

Folsom Street Hotel

Gough-Hayes Hotel

Hotel Casaloma
Hotel Eldorado
Hotel York

Inn on Castro
The Inn San Francisco

National Hotel

Pension San Francisco

25th Street Women's Inn

The Willows Bed & Breakfast Inn

Zee Hotel

City and County of San Francisco



**Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution**

October 6, 1983

Dear Hotel Owner:

The Human Rights Commission (HRC) of San Francisco invites you to participate in its public hearings on employment and hiring practices taking place in Lesbian/Gay community businesses, specifically regarding race, color, national origin, and ethnicity. The hearings are in response to a report by the Task Force on Racism based on a survey conducted by Black and White Men Together (BWMT) which investigated allegations of possible discriminatory employment practices in some 99 Gay men's bars. The Task Force on Racism is a coalition of community groups formed in response to the BWMT Survey results. The Task Force requested that the HRC hold public hearings.

The hearings will be focused on, but not exclusive of, for-profit businesses which serve as public accommodations and function as the social base for community members. Therefore, in the best interest of that community, I am sure you agree that, the workforce make-up should be reflective of the community it serves. These businesses include, but are not limited to, bars, restaurants, hotels, nightclubs/cabarets, bath houses, and gyms. Businesses in the areas of sales, professional, service, as well as those in miscellaneous areas will also be asked to take part in this hearing process. For your information, Chapter 12A of the San Francisco Administrative Code, which mandates such hearings, is enclosed.

The hearings will take testimony from businesses, organizations - both business and community based, and individual members of the community who may have been discriminated against or who wish to speak on the issue. We hope to make this a place for people - on different spectrums - to have a chance to speak and air their views. From the hearings, we plan to make recommendations to ameliorate this situation, as well as a report on the hearings. The Human Rights Commission wishes to make it quite clear that these hearings are not intended in any way to infer that discrimination exists solely in the Lesbian/Gay community or that it is endemic to that

Hotel Owner
Page 2
October 6, 1983

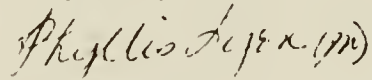
community. The hearings are an attempt to air and mediate a problem that exists within the Lesbian/Gay community, which some members of that community feel need to be addressed. In fact, the Lesbian/Gay community will be able to stand as a role model for other communities to deal with intra-group discrimination issues.

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Included with this letter of invitation is a workforce breakdown survey form which we are requesting you complete and return to us by October 31, 1983. Your individual survey will be kept confidential and we are requesting this information for the sole purpose of establishing an aggregate informational base on employment patterns. We need your input as part of the Commission's review of the data base. We appreciate your cooperation in assisting us.

Please contact Jackie Winnow or Eileen Gillis of our office by October 31st to let us know of your intent to attend and make a statement at the hearing and/or send us your written statement, and the completed workforce survey form. Thank you for your cooperation and assistance.

Very truly yours,



Phyllis Lyon
Chair

PL:JW:pa
Encl/s

[JACKIE]FAAA

Organizations Sent Invitations

American Civil Liberties Union
Alice B. Toklas Lesbian/Gay Democratic Club
Association of Lesbian/Gay Asians
Bay Area Black Lesbians and Gay Men
Bay Area Career Women
Bay Area Lawyers for Individual Freedom
Bay Area Physicians for Human Rights
Black and White Men Together - SF
Coalition for Human Rights
Concerned Republicans for Individual Rights
Connexion Latina
Gay Legal Referral Services
Golden Gate Business Association
Harvey Milk Lesbian/Gay Democratic Club
Instituto De La Familiar Raza
Lesbian/Gay Labor Alliance
Lesbian Rights Project
National Association of Lesbian/Gay Gerontologists
National Gay Rights Advocates
Northern California Bathhouse Association
Rainbow Deaf Society
San Francisco State University Disabled Student Services
Stonewall Gay Democratic Club
Task Force on Racism
Tavern Guild



October 6, 1983

Dear Organization:

The Human Rights Commission (HRC) of San Francisco invites you to participate in its public hearings on employment and hiring practices taking place in Lesbian/Gay community businesses, specifically regarding race, color, national origin, and ethnicity. The hearings are in response to a report by the Task Force on Racism based on a survey conducted by Black and White Men Together (BWMT) which investigated allegations of possible discriminatory employment practices in some 99 Gay men's bars. The Task Force on Racism is a coalition of community groups formed in response to the BWMT Survey results. The Task Force requested that the HRC hold public hearings.

The hearings will be focused on, but not exclusive of, for-profit businesses which serve as public accommodations and function as the social base for community members. Therefore, in the best interest of that community, I am sure you agree that, the workforce make-up should be reflective of the community it serves. These businesses include, but are not limited to, bars, restaurants, hotels, nightclubs/cabarets, bath houses, and gyms. Businesses in the areas of sales, professional, service, as well as those in miscellaneous areas are also asked to take part in this hearing process. For your information, Chapter 12A of the San Francisco Administrative Code, which mandates such hearings, is enclosed.

The hearings will take testimony from businesses, organizations - both business and community based, and individual members of the community who may have been discriminated against or who wish to speak on the issue. We hope to make this a place for people from different spectrums to have a chance to speak and air their views. From the hearings, we plan to make recommendations to ameliorate this situation, as well as a report on the hearings. The Human Rights Commission wishes to make it quite clear that these hearings are not intended in any way to infer that discrimination exists solely in the Lesbian/Gay community or that it is endemic to that

Organization
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community. The hearings are an attempt to air and mediate a problem that exists within the Lesbian/Gay community, which some members of that community feel need to be addressed. In fact, the Lesbian/Gay community will be able to stand as a role model for other communities to deal with intra-group discrimination issues.

The hearings will be held on Monday, November 7 and Monday 21 from 5:30 to 9:00 p.m. in Room 1194 of the State Building, 350 McAllister Street, Civic Center. The first hearing will primarily deal with organizations, bars, restaurants, hotels, and nightclubs/cabarets.

We are requesting that you or your representative be present on November 7 to report on your organization's purpose and goals; experience and contact with Lesbian/Gay businesses pertaining to hiring practices and employment opportunities and/or community members who may have experienced unfair employment practices; and possible plans and recommendations your organization has for how Lesbian/Gay businesses and the community as a whole may deal with this issue. Organizations will be making their presentations during the first half of the evening and each organization will be allotted 10 minutes. We invite you to submit your testimony in writing by October 31st if at all possible. This will enable the Commission to fully prepare for the hearings.

Please contact Jackie Winnow or Eileen Gillis of our office by October 31st to let us know of your intent to attend and make a statement at the hearing and/or send us your written statement. Thank you for your cooperation and assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Lyon". To the right of the signature is a small, handwritten circled "PL".

Phyllis Lyon
Chair

PL:JW:pa
Encl/s

[JACKIE]FAAA

Restaurants Sent Invitations and
Workforce Survey Forms

Artemis Cafe

Cafe San Marcos
Canary Island Diner
Casa de Cristol
Castle Grand Brasserie
Castro Gardens
Chez Mollett
Church Street Station
Fickle Fox
Friends
Galleon
Grand Victoria
Grubstake
Grubstake II

Hamburger Mary's
Hot-n-Hunky
Hyde-a-Way
Ivy's
La Comedia
La Domino
Leticia's
Mint
Maggie's Restaurant
Mommy Fortunas Midnight Carnival Cafe
Neon Chicken
Off the Beaten Path
Orphan Andy's
Patio Cafe
P. S. Restaurant

Snow Peas

Welcome Home
Without Reservations



October 6, 1983

Dear Restaurant Owner:

The Human Rights Commission (HRC) of San Francisco invites you to participate in its public hearings on employment and hiring practices taking place in Lesbian/Gay community businesses, specifically regarding race, color, national origin, and ethnicity. The hearings are in response to a report by the Task Force on Racism based on a survey conducted by Black and White Men Together (BWMT) which investigated allegations of possible discriminatory employment practices in some 99 Gay men's bars. The Task Force on Racism is a coalition of community groups formed in response to the BWMT Survey results. The Task Force requested that the HRC hold public hearings.

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The hearings will take testimony from businesses, organizations - both business and community based, and individual members of the community who may have been discriminated against or who wish to speak on the issue. We hope to make this a place for people - on different spectrums - to have a chance to speak and air their views. From the hearings, we plan to make recommendations to ameliorate this situation, as well as a report on the hearings. The Human Rights Commission wishes to make it quite clear that these hearings are not intended in any way to infer that discrimination exists solely in the Lesbian/Gay community or that it is endemic to that

Restaurant Owner
Page 2
October 6, 1983

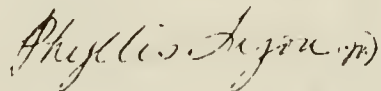
community. The hearings are an attempt to air and mediate a problem that exists within the Lesbian/Gay community, which some members of that community feel need to be addressed. In fact, the Lesbian/Gay community will be able to stand as a role model for other communities to deal with intra-group discrimination issues.

The hearings will be held on Monday, November 7 and Monday, November 21 from 5:30 to 9:00 p.m. in Room 1194 of the State Building, 350 McAllister Street, Civic Center. The first hearing will primarily deal with bars, restaurants, cabarets/nightclubs, and hotels. We are requesting that you or your representative be present on November 7 to testify as to your experience in establishing hiring practices and opportunities, possible plans your business may have to better its workforce diversity, and how the Lesbian/Gay community as a whole may deal with this issue. Each business will have five minutes to make their presentation. The area of "Restaurants" will be dealt with during the first half of the evening. We invite you to submit your testimony in writing by October 31st if at all possible.

Included with this letter of invitation is a workforce breakdown survey form which we are requesting you complete and return to us by October 31, 1983. Your individual survey will be kept confidential and we are requesting this information for the sole purpose of establishing an aggregate informational base on employment patterns. We need your input as part of the Commission's review of the data base. We appreciate your cooperation in assisting us.

Please contact Jackie Winnow or Eileen Gillis of our office by October 31st to let us know of your intent to attend and make a statement at the hearing and/or send us your written statement, and the completed workforce survey form. Thank you for your cooperation and assistance.

Very truly yours,



Phyllis Lyon
Chair

PL:JW:pa
Encl/s

[JACKIE]FAAA

(Reduced)

PUBLIC HEARINGS

San Francisco Human Rights Commission

Employment and Hiring Practices of
Lesbian/Gay Businesses,
specifically regarding Race, Color,
National Origin, and Ethnicity.

Public Testimony will be heard:

Date: Monday, November 7 and 21

Time: 5:30 – 9 p.m.

Place: State Building, Room 1194

350 McAllister San Francisco

If you would like to testify or need further information,
please call Jackie Winnow or Eileen Gillis at 558- 4901 (Voice/TTY)

- **wheelchair accessible**

entrance on Larkin Street (btwn Golden Gate & McAllister)

- sign language interpreted
- childcare provided (calling beforehand appreciated)

Speakers at the Public HearingsNovember 7, 1984

Tom Horan	Black and White Men Together-SF
John Teamer	Black and White Men Together-SF
Jerry Dunbar	Gay American Indians
Jack Dawal	
Norm Nickens	Coalition for Human Rights
Randy Stallings	Alice B. Toklas Lesbian/Gay Democratic Club
Howard Wallace	Lesbian/Gay Labor Alliance
Arthur Lazere	Golden Gate Business Association
A. Billy S. Jones	National Coalition of Black Gays and Bay Area Black Lesbians/Gays
Jim Bonko	Tavern Guild
Kevin Wilcox	
Lawrence Weathers	
James Ivory	
Judit Moschkovich	
Toni Macante	Macante's

November 21, 1984

Russell Kassman	R. Kassman Pianos and Organs
Deborah Kelley	Operation Concern
Claver Canfell	
Michael Smith	Quarterly Foundation
Ruth Hughes	
Dion Sanders	
Edward Martin	
Kemit Amenophis	
Tom Horan	
Hank Wilson	Ambassador and Zee Hotels
Diane Christensen	Community United Against Violence

Participating Commissioners

Samuel H. Chung
 Joe Ling Jung
 Corrine Lee
 Phyllis Lyon, Chairperson
 John C. Morrissey
 Joan Zamora Moulton
 Richard A. Sevilla
 Esta G. Soler
 George A. Suncin
 Brenda K. Wade, Vice Chairperson
 David K. Yamakawa, Jr.

City and County of San Francisco

HUMAN RIGHTS COMMISSION
Office of Contract Compliance
Office of Dispute ResolutionPRINCIPLES FOR AFFIRMATIVE ACTION IN EMPLOYMENT

There were two basic and compatible ideas built into the birth of the San Francisco Human Rights Commission: equal opportunity and affirmative action. The Human Rights Commission is increasingly involved in mounting and stimulating affirmative action programs in both public and private employment. What follows then is a discussion of both principles, equal opportunity and affirmative action, and how they are and must be built into affirmative action programs; programs which are not limited to what is actually on paper, but also including "unofficial" employment practices and policies which nevertheless affect the way people are treated in the employment process. These principles should not be necessarily interpreted as "official" HRC guidelines, nor should they be construed as constituting an affirmative action program, official or otherwise. Rather, the issues discussed and the principles set forth have been adopted by the Human Rights Commission as its response whenever inquiries are made relative to the meaning of equal opportunity, affirmative action, goals or quotas. Then too, this document serves as the basis for all resolutions and policy positions adopted by the Human Rights Commission on matters relating to affirmative action.

Equal opportunity means that every person is to be judged upon his or her individual merit - - that is to say, to be judged on the basis of his or her ability to perform - - not on the basis of nonperformance related factors. Chapters 12A and 12B of the San Francisco Administrative Code prohibit employment discrimination on the basis of race, color, creed, national origin, disability, ancestry, age, sex or sexual orientation.

Because of the effects of long-term conditions of discrimination and exclusion, mere nondiscrimination will not create conditions of equal opportunity. The purpose of affirmative action is to promote, by specific measures, genuine conditions of equal opportunity during the lifetimes of the present generation. The principles of equal opportunity and affirmative action must mesh; the sooner the mesh is achieved in practice, the better. The principle of equal opportunity cannot be used to diminish current affirmative action programs. Likewise, the principle of affirmative action cannot become a device to subvert the principle of equal opportunity.

The following principles describe the basic elements of an affirmative action program in employment:

I. RECRUITMENT

Mount every reasonable effort to identify and recruit qualified members of previously excluded groups for job openings which become available. This means going beyond those traditional referral sources which normally provide only white and/or male applicants. It means the aggressive use of all those sources such as community organizations, public employment services, newspapers, etc., which can notify and refer applicants from groups previously excluded, whether by deliberate discrimination or by the traditional work-seeking system.

Principles for AA in Employment

II. TRAINING

Develop training programs to qualify members of these groups who are not fully qualified. This includes special tutoring for tests for jobs such as apprenticeships, special trainee categories for some job classifications, and federally funded training for school dropouts or unemployed and unprepared graduates as well as special efforts and training activities by individual employers, employer associations.

III. TESTING AND SELECTION

Emphasize the use of job-related performance tests and eliminate or revise written tests and other selection criteria to exclude items which are not job related; for instance, items which reflect cultural bias. Maintain and strengthen, however, the use of objective selection standards and criteria, in order to prevent, and provide a check on, unfair and arbitrary bias in employment.

Be conscious of the affirmative action principle in choosing between two applicants equally qualified according to such objective standards or valid tests which are predictive of performance level. Past job experience should be examined for relevant skill which may be transferable. Volunteer experience should be examined for content and responsibility, and proper credit given for previous job-related experience. Criminal and Military records should only be considered when it is lawful to do so, and then only when they are relevant to the job.

IV. JOB ANALYSIS

Examine the essential qualities and abilities needed for each particular job, eliminating those which are really irrelevant, and adding those which are important to doing a good job in today's urban society. In some jobs this may mean that some kinds of academic pre-job requirements should be dropped. In other jobs it may mean that proof of ability to work with the population to whom the service is aimed should be a requirement. An example would be the need to hire bilingual staff in order to be able to effectively serve a client population which is not proficient in English. Still in some other jobs it may mean that non-relevant physical requirements, or unnecessary operational or architectural barriers should be removed to prevent the screening out of physically weaker or disabled persons.

V. MEASUREMENT AND ACCOUNTABILITY

Place accountability for the effectiveness of an affirmative action program upon the employer by measuring the quantitative progress made over identifiable periods. The employer should know what its goals and timetables are and measure the effectiveness of its affirmative action program against them. In multi-ethnic San Francisco this means a concern with the inclusion into the work force of a number of different groups via affirmative action.

VI. GOALS AND QUOTAS

The use of goals is one thing, the use of mandatory quotas is quite another. "Quota" means the requirement that fixed percentages of various racial, or other groups be hired.

Hiring or promotion quotas are not to be used routinely, but only when there has been a clear refusal on the part of an employer to apply affirmative action programs in good faith. Where there is direct evidence of a failure to make good faith efforts, a court of competent jurisdiction may impose a quota as a temporary remedial measure. In no case is an exclusionary quota lawful.

Our rejection of the routine use of quotas is based on principle as outlined above, but it should also be clear that their routine use has not been an effective approach. Quotas are not a program, but, at best, a strategy of last resort. They do not find people, prepare people, or match people to job requirements or job requirements to job needs. These require a detailed affirmative action program which will institutionalize the system through which an integrated work force will not only be achieved, but maintained. The generally used guideline for the purpose of evaluating progress toward integration is a goal based on the composition of the population and labor force in the area. "Goal" is the expectation that various racial and other groups will probably be hired in a pattern of relationship to industry, population and/or labor force percentages, if principles of equal employment opportunity and affirmative action are applied. This is based on the assumption that if past discrimination and exclusion because of race or any other non-performance - related factor had not existed, people would be more evenly spread out by occupation, job and salary level. Even the population ratio, however, needs to be used with care as a goal, because it depends on what geographic area is used as a base, and which job category or industry the population ratio is applied to.

The failure to reach number goals is not prima facie evidence of the failure of good faith, but may be an important clue to the substantive failure of the affirmative action program. In the latter case, the affirmative action program should be examined for deficiencies.

The specific time and place of a given affirmative action program is important since what is meaningful and effective will vary depending on the availability of qualified or qualifiable applicants who have been traditionally excluded for the jobs covered by the program. Goals have no function unless the details of an affirmative action program deal realistically with the state of the supply at that time. Additionally, concern for the future dictates a concern for participation in the educational institutions today.

VII. UPGRADING AND PROMOTION

These principles must be used not only for "new hires", but just as assiduously for upgrading. Upgrading is an inseparable part of affirmative action, and requires special attention, especially with respect to the following:

- a) Monitoring the record of promotions of members of traditionally excluded groups.
- b) Reviewing all tests and standards used for promotional purposes to eliminate irrelevant and culture-biased standards.
- c) Actively carrying on a program to identify members of traditionally excluded groups who exhibit the capacity to advance. This special effort is important because these are the employees who are still most likely to be overlooked for advancement.
- d) Providing special training opportunities for employees, which can be coordinated with educational institutions in the area.

VIII. SENIORITY

Equitably administered seniority systems are not in and of themselves discriminatory. On the contrary, a rigidly adhered to seniority system can provide job protection and advancement without regard to race, sex, age, etc. Seniority systems that in fact provide such protection must be preserved and adhered to. However, when a specific seniority system operates to exclude, or is administered to exclude, persons on the basis of race, sex, age, etc., the needs of equal opportunity and affirmative action must take precedence. The system must then be modified to allow affirmative action procedures to be implemented. As in the case of quotas, this is a position of principle. However, as affirmative action gains are made, previously excluded persons are acquiring seniority and have need of the protections inherent in a seniority system. Also as in the case of quotas, seniority systems should only be modified by a court of competent jurisdiction as a temporary remedial measure.

IX. LAYOFFS

In time of economic recession and hardship, employers traditionally utilize the layoff procedure to cut down on rising or unnecessary costs. Groups which have been previously excluded usually suffer the greatest from being the most recently hired. The layoff procedure should only be resorted to after all other alternatives have proven to be either unsuccessful or lacking in feasibility. Alternative measures, such as hour reduction and temporary rotating layoffs should be considered.

Principles for AA
in Employment

X. EMPLOYEE ASSOCIATION AND LABOR UNIONS

Employers whose employees are represented by employee associations or labor unions should involve these organizations in the planning, implementation, communication and review of affirmative action programs. Moreover, affirmative action issues should be brought to the negotiating table during the meet and confer and collective bargaining process to insure that affirmative action programs are included in, and consistent with, collective bargaining agreements and memoranda of understanding.

XI. REVISION AND COMMUNICATION

Effective implementation and enforcement of an affirmative action program requires periodic internal as well as external reviews. Any effective affirmative action program also must be periodically revised as progress is made and the needs and make up of society undergo change.

Additionally, the extent to which an affirmative action program can be effective depends, in part, on every employee having at least a basic understanding of it. Information about an employer's affirmative action program, and the new opportunities available, should be disseminated to every employee. The surrounding community or urban area should also be made aware of the program and the opportunities it provides.

XII. GOOD FAITH AND COOPERATION

Finally, the success of any affirmative action program depends upon the good faith and the cooperative use of every reasonable effort by all parties involved. The employer must bear ultimate responsibility for the success or failure of its program. However, community groups, employee associations, labor unions and government compliance agencies must cooperate to the fullest in advising and assisting the employer in the implementation of the program.

**"Promotional
Opportunities
should be open to
all who qualify!"**

City and County of San Francisco
Dianne Feinstein, Mayor

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution
Grant Mickins, Director



**"Employees
must be paid
equitably!"**

DISCRIMINATION IN EMPLOYMENT IS PROHIBITED BY CITY LAW

**"Sexual
Harassment
is prohibited by law!"**

CITY CONTRACTORS CANNOT DISCRIMINATE BECAUSE OF

- RACE
- ANCESTRY
- SEX
- COLOR
- NATIONAL ORIGIN
- SEXUAL ORIENTATION
- RELIGION
- AGE
- DISABILITY

The San Francisco City Administrative Code Chapter 12B permits employees and job applicants to file discrimination complaints with the San Francisco Human Rights Commission against an employer who has a contract with the City.

The Law prohibits discrimination in: Employment, Upgrading, Demotion or Transfer, Recruitment or Recruitment Advertising, Layoff or Termination, Rates of Pay or other forms of Compensation, and Selection for Training, including Apprenticeships.

The HRC will investigate all valid complaints when requested, and when necessary attempt to mediate an equitable resolution. When appropriate, sanctions and penalties can be imposed. They may include fines, loss of contract, and exclusion from future City contracts for a period of two years.

ATTENTION JOB APPLICANTS AND EMPLOYEES

For information contact the:
San Francisco Human Rights Commission
1095 Market Street, Suite 501
San Francisco, CA 94103
(415) 558-4901

Bilingual and TTY assistance is available.

This notice must be conspicuously posted in the hiring office, on employee bulletin boards, or other publicly visible location (Sect. 12B 2D)

(For additional copies contact the HRC)

feb 1984

**"Training
must be afforded
without discrimination!"**

Examples of workable, voluntary affirmative action programs operating in the Lesbian/Gay Community

What was characterized as the "Old Boy/Girl Network", or hiring individuals primarily by habit or convenience, was expressed in testimony as a virtually insurmountable obstacle to significantly expanding minority representation in the employee pool in San Francisco's Lesbian/Gay owned businesses. Other often expressed problems were that knowledge of open positions was often not known within the minority community, limiting the number of minority applicants for jobs and that businesses lacked knowledge of how to operate effective outreach programs to secure minority applications. Once hired, it was clear that consideration must be given to the work environment in order to continue the fair employment practices originally expressed in affirmative action hiring efforts. Generally, it was apparent that businesses must actively make certain changes in order to secure minority applicants for job openings and in order to keep minority employees.

In the interest of providing local businesses with workable models to design selected outreach for job openings and how to operate an effective affirmative action program, we offer the following as role models:

Operation Concern

Operation Concern is a non-profit Lesbian/Gay Community mental health clinic, primarily serving a low-income client population. It is designed to give sensitive services to a population sorely underserved. O.C. provides individual, couple, and group counselling. It receives funding from the City and other sources, such as United Way and foundations.

The clinic's client population is over 50% minority. In order to adequately meet the needs of these individuals, O. C. has developed a specific minority services population. Third World counselors are made available to clients who feel it is of primary importance to work with a therapist fully cognizant of minority cultural issues. A disabled services program also presently operates.

Additionally, the clinic has found it important to structure in an internal support system for staff to address minority issues. A weekly consulting group is held between members of the minority staff, and Third World and disabled representatives attend Administrative meetings or any other meetings where clinic policy is discussed and decided. When new staff is hired, representatives from these groups are present at all interviews held with prospective employees and are also involved in the final decision-making process. Ongoing training in minority issues is provided for majority culture paid staff, volunteers, and interns as well.

Recruitment Procedures:

When an opening becomes available at the clinic, extensive efforts are made to reach out to the minority community for applicants. The importance of keeping a varied and balanced staff composition adds emphasis and urgency to the efforts made for solicitation of available employees.

The process of outreach is as follows: A job description is developed and is sent out to a large mailing list which has specific focus on the minority community. Included in this list are social service agencies, neighborhood centers and clearing houses, media sources, businesses, educational services, employment services, political action groups, vocational training programs and veteran's services. San Francisco is targeted with additional outreach made to the East Bay, Marin, the Peninsula, Santa Clara and some State and Nationwide sources. All job descriptions include OC's non-discrimination/ equal opportunity statement.

Call backs are personally made by O.C. staff who ask if the source has received the job description and is willing to participate in sharing the information in staff meetings or by word of mouth to parties who also may be interested.

Selection Process:

Although at times the addition of a minority staff member is more strongly indicated in order to fill a slot recently vacated by a minority staff person, all applicants, whether of majority culture origin or minority, are considered equally. The deciding factor for selection is if the individual is possessed of the knowledge and skills needed to relate to a minority clientele. Depth of experience, in this area, is the strongest criteria in final selection. Skills are required as they relate solely to the job, which is to adequately serve the community.

Results:

A positive outcome of the Affirmative Action Program at Operation Concern is that since it was implemented, there has been an increase of intakes scheduled by minority clients. This indicates that if special targeted services are available, the Third World community will increase their use of them. This may be a significant factor for a business to consider when wishing to generate larger sales or in its wish to serve a wider spectrum of clientele.

Ms. Kelley, Administrative Director at O.C., also reports that she believes the Affirmative Action Program has provided for more healthy, stable staff, which provides a wider range of services and exhibits as a whole more positive growth and ability to contribute to the workings of the clinic in general.

R. Kassman Piano and Organ Stores

Russell Kassman owns two piano and organ stores, one in San Francisco and one in Oakland, and employs between 8 to 11 people: four sales people, two clerical, two piano technical, and two delivery people. The workforce currently consists of three Gay males, one Chinese woman, one Black man, two Jewish men, and one white anglo-saxon protestant. 40% of his clientele are Chinese. He does all the piano work for the San Francisco Opera and the San Francisco Ballet.

Recruitment Procedures:

When there is an opening, Jewish Vocational Services, Gay Employment Services, the State Employment Development Department and a Federal organization specifically working to place people 65 years of age or older are contacted. He has had particularly good relationships with all the agencies except the Gay Employment Services. In some cases, language may be a barrier and if that is the case people are placed in clerical or technical positions and not in sales. The agencies are all sent specific job descriptions.

Mr. Kassman also advertises positions in Chinese, Korean, and Japanese newspapers.

Selection Process:

Mr. Kassman believes an owner has to be open to anybody who meets the qualifications of the position. When someone comes for an interview, he does not look at whether they are male or female, what their religion or race is; but looks at whether the person fulfills the requirements of the job.

Every position has a specific job description and an employment contract.

Results:

R. Kassman Piano and Organ Stores has a non-discrimination policy and is an equal opportunity employer. Mr. Kassman believes his business has been successful because he hires the best qualified people.

Non-Discrimination Policies

We include here some of the non-discrimination policies held by Lesbian/Gay business associations and organizations.

1) Resolution - Non-discrimination in Gay Business
National Gay Task Force - Adopted 6/6/81

"WHEREAS, NGTF seeks for the lesbian and gay male community, and for all people, the benefits of equal protection under the law, and

"WHEREAS, we believe that where artificial barriers are erected to unfairly exclude any group, the rights of every group are placed in jeopardy, and

"WHEREAS, we are aware of the destructive potential of discriminatory practices within our community,

"THEREFORE BE IT RESOLVED, that we call upon those who have responsibility for the demeanor and conduct of public establishments that serve our community affirm their commitment to equal treatment of their patrons and clients (actual and prospective) regardless of race, creed, color, national origin, ethnicity, gender, disability, religion, age, or personal appearance except where prohibited by law, and

"BE IT FURTHER RESOLVED that these public establishments sign a pledge of non-discrimination and that they prominently display a Standard NGTF - prepared statement (sign) of non-discrimination or equivalent statement, and

"BE IT FINALLY RESOLVED that an ad hoc committee be established to develop implementation strategies and to report at the October NGTF Board of Directors on its progress and strategies."

2) Golden Gate Business Association

As part of its Standards of Business Conduct and Ethics:

"A member will not discriminate in employment or otherwise based on race, religion, age, sex, or sexual preference."

3) Tavern Guild

As part of its statements of objectives:

"A member will not discriminate in employment or otherwise, based on race, religion, age, sex or sexual preference, as appropriate to our business needs. A member will be accountable to their employers, employees, or customers, in making every reasonable effort to act as their best interest or benefit. A member will support the ideals and goals of this organization."

Alice B. Toklas Lesbian/Gay Democratic Club

BILL OF RIGHTS

For Patrons and Employees of Lesbian and Gay Establishments

Preamble: We Lesbians and Gay men affirm this bill of rights from our understanding that Lesbian and Gay oriented bars and businesses are not just commercial establishments but social institutions in the Lesbian/Gay community. Therefore Lesbians and Gay men have the right to expect that the proprietors of these establishments will conduct their businesses in a way responsive to the legitimate needs of the community which they serve.

We believe in the right of Lesbians and Gay men of all races and lifestyles to full and equal access to Lesbian and Gay commercial establishments.

We believe in the rights of Lesbians and Gay men to services, environments and conditions of employment on par with those found in non-Gay establishments.

I. The right to equal access: All Lesbians and Gay men regardless of race, sex, lifestyle, physical appearance, or style of dress, have the right to equal access to all Lesbian and Gay oriented bars and businesses. Neither the exclusion of any groups, such as third world people, women, transvestites, or transsexuals, nor their subjection to a quota system can be tolerated within the Lesbian/Gay community. Identification requirements must be the same for everyone. There must be no age requirements other than those required by law. Reasonable efforts must be made to make businesses accessible to the disabled.

II. The rights of employees: Employees of Lesbian and Gay oriented commercial establishments are entitled to certain basic rights:

THE RIGHT to receive decent wages and benefits on par with those of other workers in similar Non-Gay establishments.

THE RIGHT to job security and to organize in a union and bargain collectively over wages, job conditions, and other issues. Fair grievance procedures should be set up. Workers should not have to fear being fired without just cause.

THE RIGHT not to be discriminated against because of race, sex, lifestyle, physical appearance or disability. People of color have a right to affirmative action in Lesbian and Gay establishments.

THE RIGHT to reject sexual advances from employers or customers. Workers should not have to respond to sexual advances from an employer, nor should they be expected to tolerate sexual abuse from customers.

III. The right to a safe environment: Lesbians and Gay men have the right to safety in Lesbian and Gay bars and businesses. Patrons have a right to expect that fire safety regulations will be observed, including those requiring unlocked, clearly marked fire exits. An adequate number of fire extinguishers should be prominently placed throughout the establishment. Occupancy laws should be respected.

IV. The right to expect that Lesbian and Gay establishments will function as responsible community institutions: Bars and other Lesbian and Gay establishments have an obligation to provide a reasonable amount of space for Lesbian and Gay literature, appeals, and announcements, regardless of political content. We have the right to expect active support of our struggle for Lesbian/Gay rights, and of our progressive allies in the community at large. Lesbian and Gay establishments should observe those boycotts supported by the Lesbian/Gay movement, such as the Coors Beer Boycott.

Note: The Alice B. Toklas Lesbian/Gay Democratic Club is the only San Francisco Lesbian/Gay political club with a Third World Caucus.

HISTORY OF THE GOLDEN GATE BUSINESS ASSOCIATION

The Golden Gate Business Association (GGBA) was founded in 1974 as a non-profit business association for Bay Area Gays and Lesbians to function as a Lesbian/Gay chamber of commerce. The GGBA maintained a relatively low and closeted profile for its first few years, but as the political and social climate became more supportive of Gays and Lesbians, GGBA became more involved in community activities.

Inspired by the election of Harvey Milk as the first openly Gay San Francisco Supervisor in 1977, the GGBA membership of 1978 pushed for more open involvement in the Lesbian/Gay community. Following the tragic assassinations of Supervisor Milk and Mayor George Moscone in November 1978, the GGBA became even more aggressively involved in Gay/Lesbian issues. The GGBA finally came completely out of the closet in January 1979 when it first used the word Gay in describing itself as an organization of "business people who happen to be Gay, working together to build a better community."

1979 was a landmark year for the GGBA. Angered by a homophobic comment made by the president of World Airways--"this company doesn't need hoodlums, racketeers, [or] queers..."--the GGBA worked with the Human Rights Commission to get a pledge of nondiscrimination from World Airways.

The then-President of the powerful S.F. Chamber of Commerce, Bill Dauer, was quoted in a newspaper interview as saying "The positive effects of the Gay Community? There are no positive effects", and in another interview that "there are more legitimate ways to get money [than Gay tourist dollars]." The GGBA met with Dauer and voiced its concerns about the homophobic remarks. This confrontation resulted in the cessation of anti-Gay remarks and the beginning of better relations between the GGBA and the S.F. Chamber of Commerce.

1979 also marked the start of a close and continuing role in educational and recruiting programs with the S.F. Police Department, to familiarize law enforcement personnel with the Lesbian/Gay Community, and to assist in the active recruitment and retention of Lesbian and Gay police officers.

In addition to its work as a business association, GGBA has had a long-standing commitment to Lesbian/Gay charitable and arts agencies. The GGBA Foundation was created in 1979 as a vehicle for philanthropic fund-raising. "Twenty-two on the Red", a glamorous black-tie event, is an annual tradition blending fun and frolic with serious fund-raising.

As other Lesbian/Gay business associations developed in many cities, GGBA worked hard to form a national Lesbian/Gay business association. Out of this work came the National Association of Business Councils, which had its first national convention here in San Francisco in 1981.

Aware that women have always been under-represented in the business world, the GGBA has been actively outreaching to Lesbians as GGBA members and board officers. As a result of this effort, the GGBA elected Laurie McBride as board president for 1984. GGBA also maintains a strong cooperative relationship with Bay Area Career Women, a Lesbian business group with 500 members.

The GGBA is presently comprised of Lesbian/Gay businesses, services, and professionals, and non-Gay members who support the goals and practices of GGBA. These goals and practices include nondiscrimination in employment or otherwise based on race, religion, age, sex, or sexual preference, and supporting the Gay and Lesbian community in general in a constructive and positive manner.

In the ten years that GGBA has been in existence, the membership has grown from the original 58 members to almost 800 strong. GGBA has become an important resource in the Lesbian/Gay community, providing energy and leadership in building a better community.

Due to the public hearings, GGBA has begun to address the concerns of people of color. They are proposing to do a series of forums for its membership. The first such forum, "Minorities In Business," took place in March, 1984.

(Note: Thanks goes to Arthur Lazere, past president of GGBA, for much of this information).

HOW TO FILE A DISCRIMINATION COMPLAINTFiling An Administrative Charge of Discrimination

If you feel you have been discriminated against and would like to pursue your rights of redress, the first step is to speak to your employer and attempt conciliation before filing charges at an agency. Only after an employer refuses to recognize or remedy the situation should you hire an attorney or file charges with the California Department of Fair Employment and Housing (DFEH), the Equal Employment Opportunity Commission (EEOC), or the Human Rights Commission (HRC). It is important to file proper, thorough, and timely charges with the appropriate Federal, State or City administrative agency.

Discrimination is illegal. If you have been discriminated against because of your race, religion, creed, color, national origin, ancestry, medical condition (cancer only), marital status, sex (including pregnancy), age (40 or over), sexual orientation, or physical handicap (employment only), in employment, housing, public accommodations or provision of services, you have protections. But the path you need to follow to address your complaint may appear confusing. The basic guidelines are simple. If you live in San Francisco, you begin at one of the three major agencies named above, depending on the nature of your complaint. None of this prevents you from pursuing your case with a private attorney, although you may have to exhaust your administrative remedies before you can file a civil suit.

Equal Employment Opportunity Commission (EEOC) - Federal

Excepting complaints based on discrimination due to marital status or sexual orientation, you can file at the EEOC for an employment related complaint involving all other protected classes. The employer must have over 15 employees. This can be done either by visiting EEOC offices at 10 United Nations Plaza or by calling them at 556-4302.

Department of Fair Employment and Housing (DFEH) - State

If you have a housing or employment complaint, file directly at DFEH. The protected classes include race, religion, creed, color, national origin, ancestry, medical condition (cancer only), marital status, sex, age, physical handicap. If you are discriminated against in housing for your sexual orientation, you can also file with DFEH; however, Lesbians and Gay men have no protection at State or Federal agencies for employment discrimination due to sexual orientation at the present time. The employer you file against must have over 5 employees if you file at DFEH. DFEH is located at 30 Van Ness Avenue and can be reached at 557-2005.

Human Rights Commission of San Francisco (HRC) - Local

If you are discriminated against for sexual orientation in employment, housing, or public accommodations, file with the Lesbian/Gay Unit at HRC. Under certain circumstances, the Fair Housing Unit of HRC will handle housing discrimination complaints. If the party you are filing against has existing City contracts, it is important that you always file with HRC. When appropriate, sanctions and penalties can be imposed. These include

finances, loss of contract, and exclusion from future City contracts for a period of two years. City contractors cannot discriminate based on race, religion, color, ancestry, age, sex, sexual orientation, physical disability, and place of birth. HRC's phone number is 558-4901 and its location is 1095 Market Street, Suite 501.

Filing Periods

Do not delay your filing at any of the administrative agencies named above. You must file within 300 days with the EEOC; DFEH's filing limit is one year; and the HRC has a six month filing limit for complaints filed against City contractors and extends a one year limit in sexual orientation discrimination complaints filed against private employers. In general, though, it is always best to file as rapidly as possible in order to assist the process of investigation, which can be hindered if involved parties cannot be located.

Filing A Complaint

In most cases, the procedures involved in filing a discrimination complaint are similar in all three agencies. An experienced consultant will take the information by phone, or during an office interview, and advise you whether your problem falls within the agency's jurisdiction. The complaint you file will tell, in your own words, what happened and why you believe it was discriminatory. You are the complainant and the party you file against is the respondent.

Should you decide to file, you will need to provide accurate names, addresses, telephone numbers, dates, places, and a description to the best of your ability. You will be asked to identify witnesses or supply documents that will substantiate your charges. It is best to think of your case in terms of how you were treated differently or less fairly, without cause, than other individuals. You should always write-up your complaint.

Once a complaint is taken, and if it is in their jurisdiction, the agency will investigate to determine if the law has been violated. Sometimes an agency can resolve a matter even prior to full investigation.

Remedies

When there is sufficient evidence to prove discrimination, administrative agencies will try first to conciliate settlement of your case. If this effort fails, a thorough investigation and a finding in your favor could result in remedies such as: a job that you were denied, promotion, reinstatement with back pay, or whatever is deemed appropriate to correct the harm caused by the discriminatory act. Again, remedies vary according to the agency filed with and the protective legislation that gives jurisdiction.

Things to be Aware of

Due to heavy agency caseloads, it can take some time before your complaint is actively investigated. In some cases, this can take as long as several months.

The law prohibits retaliation against an individual for filing a charge, complaining internally, or participating in an investigation, and again, none of this prevents you from filing a private lawsuit; however, check with the agency first to see whether you need to procure a right to sue letter.

Sources

DFEH A Guide for Complainants

DFEH Employment Discrimination Is Illegal

HRC Fight Back

Sue Your Boss -- Rights and Remedies for Employment Discrimination
by E. Richard Larson: Farrar, Straus, Giroux, N.Y., N.Y., 1981.

